THE CITY OF BANGALORE MUNICIPAL CORPORATION ACT, 1949.

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MYSORE ACT No. LXIX OF 1949.

THE CITY OF BANGALORE MUNICIPAL CORPORATION ACT, 1949.

(AS AMENDED BY ACTS XVII OF 1950, XXVI OF 1951 AND 19 OF 1954.)

(Received the assent of His Highness the Maharaja on the sixteenth day of September 1949.)

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City and the Civil Station of Bangalore; Preamble.

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the City of Bangalore Municipal Corporation Act, 1949. Title and extent.

(2) Except as hereinafter expressly provided it extends only to the City of Bangalore.

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments.

3. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "appoint" includes to appoint temporarily or in an officiating capacity;

(2) "appointment" includes temporary and officiating appointments;

(3) "budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the corporation;

(4) "building" includes a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep and any other such structure, whether of masonry,

bricks, wood, mud, metal or any other material whatsoever;

(5) "building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules;

(6) "carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(7) "cart" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(8) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or an alderman or in any other elective office, and "casual election" means an election held on the occurrence of a casual vacancy;

(9) "City of Bangalore" or "City" means the area comprised in the Bangalore City as constituted under the Mysore City Municipalities Act, 1933, and the Civil Station of Bangalore as constituted under the Bangalore Municipal Law, 1897, subject to any extension, contraction or alteration of the limits of such area that may be made by the Government from time to time, by notification in the official Gazette;

(10) "company" means a company as defined in the Mysore Companies Act, 1938, or formed in pursuance of an Act of the Indian Dominion Legislature and includes any co-operative society registered under any law for the time being in force in Mysore, or any company incorporated outside Mysore;

(11) "cream" means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force;

(12) "dairy" includes any farm, milk store, milk shop, or other place from which milk is supplied only on,

or for sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk, for sale, and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include—

(*a*) a shop from which milk is not supplied otherwise than in properly closed and unopened receptacles in which it was delivered to the shop, or

(*b*) a shop or other place in which milk is sold for consumption on the premises only;

(13) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail;

(14) "dairy produce" includes milk, butter, butter-ghee, curd, butter-milk, cream, cheese, and any and every product of milk;

(15) "dangerous disease" means—

(*a*) anthrax, chicken-pox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small-pox, and

(*b*) any other disease notified under section 345;

(16) "depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajars), Voddas, Korachas, Koramas, Hill tribes and Animists;

(17) "filth" includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter;

(18) "food" includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments;

[1][(18-*a*) 'Government' means the State Government;]

(19) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be a hut for the purpose of this Act;

1. Inserted by Act XXVI of 1951.

(20) "latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water carriage type and urinal;

(21) "milk" means the normal clean secretion drawn from the udder of a healthy cow, buffalo, sheep or goat either completely or after the first portion of such secretion has been drawn off to completion and includes cream, skimmed milk, separated milk, and condensed and dessicated milk;

(22) "municipal office" means the principal office of the corporation;

(23) "nuisance" includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, disturbance, or offence to the sense of sight, smell or hearing or to rest or sleep or which is or may be dangerous to life or injurious to health or property;

(24) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent- free tenant;

(25) "ordinary vacancy" means a vacancy occurring by the efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy;

(26) "owner" includes (*a*) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used, (*b*) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

(27) "prescribed" means prescribed by the Government by rules under this Act;

(28) "private street" means any street, road, square, court, alley, passage or riding-path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(29) "public street" means any street, road, square, court, alley, passage or riding-path over which the public

have a right of way whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the foot-way attached to any such street, public bridge or causeway, and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah or, other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the corporation;

(30) "public water-course, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use;

(31) "railway" includes a tramway;

(32) "reconstruction of a building" includes—

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not;

(*b*) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any building frame, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(*c*) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;

(*d*) the re-conversion into a dwelling house or a place of public worship or a factory of any building which has been discontinued as, or appropriated

for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be;

(33) "registered labour association" means an association registered under the Mysore Labour Act, 1942, for the time being in force;

(34) A person is deemed to have his "residence" or to "reside" in any house or hut if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house or hut merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house or hut at any time and has not abandoned his intention of returning;

(35) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth";

(36) "salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses;

(37) "scavenger" means a person employed in collecting or removing filth, in cleansing drains, latrines or slaughter-houses or in driving carts used for the removal of filth;

(38) "street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land;

(39) "tax" includes any toll, rate, cess, fee or other impost leviable under this Act;

(40) "water-course" includes any river, stream or channel whether natural or artificial;

(41) "year" means the financial year.

PART II.

Constitution and Government of the Corporation.

CHAPTER II.

THE MUNICIPAL AUTHORITIES.

Composition of the Corporation.

Enumeration of authorities.

4. The municipal authorities charged with carrying out the provisions of this Act are—

(*a*) a corporation;
(*b*) standing committees of the corporation;
(*c*) a commissioner.

Constitution of corporation.

5. (1) The corporation shall consist of—

(*a*) sixty-two divisional councillors, of whom fifty shall be persons elected to general seats, six to seats specially reserved for depressed classes and six to seats specially reserved for women:

Provided that nothing in this clause shall be deemed to prevent members of the depressed classes or women from standing for election to the non-reserved seats;

(*b*) four councillors who shall be persons elected to seats specially reserved for Labour;

(*c*) four councillors who shall be persons elected to seats specially reserved for Trade and Commerce by such bodies and in such manner as may be notified by the Government in the official Gazette;

(*d*) five aldermen, of whom one shall be a woman, elected by the councillors referred to in clauses (*a*) to (*c*) in the manner specified in section 65.

(2) In addition to the councillors referred to in clauses (*a*), (*b*) and (*c*) of sub-section (1), the Government may appoint a person or persons having special knowledge or experience of any subject relating to the municipal administration to be a special councillor or councillors for such subject. Every special councillor shall exercise the

rights of a councillor only in respect of the subject for which he is appointed, but he may attend any meeting of the corporation and take part in the discussion of any other subject without the right of voting. There shall not be more than three special councillors on the corporation at any time.

(3) The corporation shall by name of the "Corporation of the City of Bangalore" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of standing committees.

6. (1) There shall be [1][six] standing committees for dealing, respectively, with—

(*i*) Accounts,

(*ii*) Health,

(*iii*) Taxation and Finance, excluding Taxation Appeals,

(*iv*) Town Planning and Improvements, and

(*v*) Works.

[2][(*vi*) Education.]

(2) The corporation may, with the previous sanction of the Government, constitute additional standing committees for such purposes as the corporation thinks fit.

The Several Authorities.

The Commissioner.

Definition of commissioner.

7. The commissioner shall be appointed by the Government and shall not be a member of the corporation.

Term of office of commissioner.

8. (1) The commissioner shall hold office for a renewable period of three years.

(2) The Government may at any time remove the commissioner from office and shall do so, if at a special meeting of the corporation called for the purpose not less than two-thirds of the number of members thereof vote for such removal.

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1. Substituted by Act XXVI of 1951.
2. Added by Act XXVI of 1951.

(*Chapter II—The Municipal Authorities*)

Power of commissioner.

9. Subject, whenever it is hereinafter expressly directed, to the sanction of the corporation or the standing committee, as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him.

Custody of records.

10. The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the corporation, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may, respectively, impose.

Extraordinary powers of commissioner.

11. The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund:

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority and that such authority may after considering the report issue such instructions as it deems necessary.

Duty of commissioner.

12. The commissioner shall be a whole-time officer of the corporation and shall not undertake any work unconnected with his office without the sanction of the corporation and the Government.

Salary of commissioner

13. The commissioner shall be paid out of the municipal fund such salary and allowances not exceeding Rs. 1,400 per mensem in the aggregate as may from time to time be fixed by the Government.

Leave of commissioner

14. (1) Leave may be granted to the commissioner by the Government,

(2) Whenever such leave is granted, the Government shall appoint some person to officiate in his place.

Service regulations of commissioner.

15. (1) If the commissioner is an officer in the service of the Government, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

(2) If the commissioner is an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable, respectively, from his salary and from the municipal fund shall be governed by regulations framed by the Government:

Provided that—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status: and

(*b*) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Delegation of commissioner's ordinary powers.

16. The commissioner may delegate to the holder of any municipal office, any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely, sections 25, 61, 62, 63, 66, 72, 73, 163, 177(2), 187(2) and (3), 188, 189, 192, 204, 227, 228, 264, 272, 278, 282, 289, 290, 291, 297, 298, 299, 305, 306, 319, 321, 324, 335, 339, 340, 351, 404, 423, schedule III, rule 20, schedule IV, rules 12 and 13:

Provided that—

(*a*) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the commissioner shall not delegate his power under section 89 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*c*) the commissioner shall not delegate to the holder of any office his power under section 95 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 96 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the commissioner's powers of appointment;

(*d*) the commissioner shall not delegate his power under section 79 to make on behalf of the corporation any contract involving an expenditure exceeding two thousand rupees;

(*e*) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall be subject to his control and revision.

Delegation of commissioner's extraordinary powers.

18. The commissioner may on his own responsibility and by an order in writing authorize the health officer, the engineer, the revenue officer, any other officer who is the head of a department working under the commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extraordinary powers conferred on him by section 11.

The Standing Committees.

Election of standing committee.

19. (1) Each standing committee shall consist of seven members elected by the corporation from its own number: provided that no councillor or alderman shall be a member of more than two standing committees at the same time.

(2) A councillor or alderman elected to be a member of a standing committee shall hold office as such, unless

he sooner resigns the same, till his term of office as councillor or alderman is in any manner determined.

(3) When a vacancy occurs in a standing committee the corporation shall fill up the vacancy, as soon as may be, by the election of another councillor or alderman.

Functions of standing committees.

20. (1) The corporation shall by regulations framed for the purpose determine the powers and duties of each standing committee and may by regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.

(2) The Accounts standing committee in addition to the powers and duties assigned to it under such regulations,—

(*a*) shall supervise the utilization of the budget grants;

(*b*) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(*c*) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(*d*) may subject to the approval of the corporation write off the amount of any loss, or depreciation caused to municipal property which appears to the committee to be irrecoverable.

(3) The Taxation and Finance standing committee, shall, in addition to the duties and powers assigned to it under regulations referred to in sub-section (1), be also entitled to exercise the powers referred to in clause (*b*) of sub-section (2).

(4) The corporation shall sanction such staff as may reasonably be required by the Accounts and the Taxation and Finance standing committees to discharge the respective functions.

Construction of reference to standing committee.

21. Wherever in this Act the expression "the standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used is assigned by this Act or by regulations made by the corporation; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by regulations made by the corporation.

Delegation of powers to commissioner by standing committee.

22. (1) In any case in which it is provided by this Act or any other law for the time being in force that the commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the committee may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee, he shall forthwith inform the committee of the action so taken.

The Corporation.

Functions of corporation.

23. (1) Subject to the provisions of this Act, the municipal government of the city shall vest in the corporation.[1]

[2] * * * *

(3) Without prejudice to the generality of sub-section (1), it shall be the duty of the corporation to consider all periodical statements of receipts and disbursements and all progress reports, and pass such resolutions thereon as it thinks fit.

Obligation laid on remaining municipal authorities to carry out resolutions of corporation.

24. The standing committees and the commissioner shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part under section 47 of the Act.

1. Certain words omitted by Act XXVI of 1951.
2. Sub-section (2) omitted by Act XXVI of 1951.

Duties and powers of individual councillors and aldermen.

25. (1) Any councillor or alderman may draw the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor or alderman shall have the right to interpellate the mayor on matters connected with the municipal administration subject to such regulations as may be framed by the corporation.

(3) Every councillor or alderman shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor or alderman may appeal against such order to the mayor whose decision shall be final.

Mayor, deputy mayor, councillor or alderman not to receive remuneration.

26. [1](1) Neither the mayor nor the deputy mayor, nor any councillor or alderman shall receive or be paid, from the funds at the disposal of or under the control of the corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever.

[2][(2) Without prejudice to the provisions of sub-section (1), the corporation may make provision in the annual budget for serving refreshment at the meetings of the corporation and the standing committees.]

Requisitions by corporation or a standing committee for commissioner's records.

27. (1) The corporation or a standing committee may at any time require the commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession, or under his control as commissioner;

(*b*) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration;

(*c*) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject connected with the municipal administration.

1. Numbered as sub-section (1) by Act XXVI of 1951.
2. Added by Act XXVI of 1951.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the corporation or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the corporation or the standing committee, as the case may be, refer the question to the mayor whose decision shall be final.

Corporation's power to call for records of committees.

28. The corporation may at any time call for an extract from the proceedings of a standing committee or of any committee or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be complied with by the standing committees, or other committee, as the case may be.

Appointment of joint committees.

29. (1) The corporation may, and if so required by the Government shall join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7) have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(*a*) the total number of members of the joint committee;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders;

(*c*) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed;

(*e*) the term of office of members and chairman;

(*f*) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked, provided that all the local authorities concerned assent to such variation or revocation.

(6) If the Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Government whose decision shall be final.

Provisions common to the Corporation and the Standing Committees.

Election of mayor, deputy mayor and chairman.

30. (1) The corporation shall at its first meeting after the first day of January in each year elect—

(*a*) one of its members to be the mayor; and

(*b*) one of its members other than the mayor to be the deputy mayor.

(2) A deputy mayor on being elected mayor shall cease to be the deputy mayor.

(3) Each standing committee shall at its first meeting after the election referred to in clause (*a*) of sub-section (1) elect one of its members other than the mayor to be its chairman.

Term of office of mayor, deputy mayor and chairman.

31. The mayor, deputy mayor or chairman shall be entitled to hold office from the time of his election and until the election of his successor, provided that in the meantime he does not cease to be a councillor or an alderman.

On the occurrence of any vacancy in the office of mayor, deputy mayor or chairman, the corporation or standing committee, as the case may be, shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

Re-eligibility of mayor, deputy mayor and chairman.

32. An outgoing mayor, deputy mayor or chairman is eligible for re-election.

Rules and regulations for proceedings of corporation and standing committees.

33. The corporation and the standing committees shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith or with other provisions of this Act or any rules made by the Government, for the conduct of their respective proceedings and also for the maintenance of order at their meetings.

Explanation.—Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.

Presidency of corporation and standing committees.

34. (1) Every meeting of the corporation shall be presided over by the mayor, in his absence by the deputy mayor, and in the absence of both the mayor and the deputy mayor, by a councillor or alderman chosen by the meeting to preside for the occasion.

(2) Every meeting of a standing committee shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.

(3) The mayor, the deputy mayor or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the mayor, deputy mayor or the chairman thereon shall, save as is otherwise expressly provided in this Act, be final.

(4) The deputy mayor, councillor, or alderman presiding at a meeting of the corporation and the member presiding at a meeting of a standing committee shall for that meeting

and during the period that he presides over it, have all the powers and be subject to all the obligations of the mayor or chairman as the case may be.

Commissioner's right to attend and take part in discussion but not to move resolution or to vote.

35. (1) The commissioner shall have the right to attend the meetings of the corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) He shall attend any meeting of the corporation or of a standing committee if required to do so by the mayor.

Councillors and aldermen to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

36. (1) No councillor or alderman shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the corporation or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The mayor or chairman may prohibit any councillor or alderman from voting on or partaking in the discussion of any matter in which the councillor or alderman is believed to have such interest, or he may require the councillor or alderman to absent himself during the discussion.

(3) Such councillor or alderman may challenge the decision of the mayor or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the mayor or chairman is alleged by any councillor or alderman present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor or alderman if carried, be required to absent himself from the meeting during the discussion.

(5) The councillor or alderman concerned shall not be entitled to vote on the question referred to in sub-section (3) and the mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—In this section 'mayor' includes a deputy mayor, councillor or an alderman presiding for the

occasion and 'chairman' includes a member presiding for the occasion at a meeting of a committee.

Resignations.

37. The mayor may resign his office by giving notice in writing to the corporation; the deputy mayor and councillor or alderman other than the mayor and the chairman or any member of a standing committee may resign his office by giving notice in writing to the mayor. Such resignation shall take effect in the case of the mayor from the date on which it is placed before a meeting of the corporation and in any other case from the date on which it is received by the mayor.

Savings of validity of proceedings.

38. (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the corporation or of any standing committee, or

(*b*) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the corporation or of a standing committee, the minutes of the proceedings of which have been signed as laid down in Schedule II, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The Mayor.

Prerogative of the mayor.

39. (1) The mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) No official correspondence between the corporation and the Government shall be conducted except through the mayor.

(3) The mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the mayor may make such remarks as he may think necessary.

Mayor to be member of all committees.

40. (1) The mayor shall *ex-officio* be a member of every standing committee and of every other committee constituted under this Act except the taxation appeals committee

but shall not be eligible to be elected as the chairman of any standing committee.

(2) If the mayor was at the time of his election the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of the chairman of any standing committee, the mayor shall convene a meeting of that committee for the election of another chairman.

The Deputy Mayor.

Functions of deputy mayor.

41. (1) When the office of mayor is vacant, his functions shall devolve on the deputy mayor until a new mayor is elected.

(2) If the mayor has been continuously absent from the city for more than fifteen days or is incapacitated, his functions shall devolve on the deputy mayor until the mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The mayor may, by an order in writing, delegate any of his functions to the deputy mayor.

Administration Report.

Submission of administration report to Government.

42. (1) As soon as may be after the [1][first day of April] in every year and not later than such date as may be fixed by the Government, the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The commissioner shall prepare such report and the corporation shall consider the report and forward the same to the Government with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the Government.

Government's power to call for records.

43. The Government may at any time require the corporation or the commissioner—

(*a*) to produce any record, correspondence, plan, or other document;

1. Substituted by Act XXVI of 1951.

(*b*) to furnish any return, plan, estimate, statement, account or statistics;

(*c*) to furnish or obtain any report.

Government's power to cause inspection to be made.

44. The Government may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by section 43.

Government's powers to direct the taking of action.

45. If, on receipt of any information or report obtained under section 43 or 44, the Government are of opinion—

(*a*) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(*b*) that adequate financial provision has not been made for the performance of any such duty;

the Government may, by an order, direct the corporation or the commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to their satisfaction for the performance of the duty, as the case may be:

Provided that, unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the corporation an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default at expense of corporation.

46. (1) If, within the period fixed by an order issued under section 45, any action directed under that section has not been duly taken, the Government may by order—

(*a*) appoint some person to take the action so directed,

(*b*) fix the remuneration to be paid to him, and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by Part III of this Act shall be levied or increased but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred, on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The Government may, in addition to, or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 151 to 162 shall, as far as may be, apply to any loan raised in pursuance of this section.

Submission of copies of proceedings, resolutions and bye-laws to Government.

47. (1) The mayor shall submit to the Government copies of all resolutions and all bye-laws.

Government's power to cancel resolutions and bye laws.

(2) The Government may, at any time by notification,–

(*a*) cancel any resolution in whole or in part[1];

(*b*) repeal wholly or in part, or modify any bye-law:

Provided that before taking any action under this sub-section the Government shall communicate to the corporation the grounds on which they propose to do so, fix a reasonable period for the corporation to show cause against the proposal and consider its explanations and objections, if any [2][and the order of the Government thereon shall be final.]

[3][* * *]

(4) The repeal or modification of any bye-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

1. Certain words omitted by Act XXVI of 1951.
2. Added by Act XXVI of 1951.
3. Sub-section (3) omitted by Act XXVI of 1951.

(Chapter III—Elections and Appointments of Councillors and Aldermen)

CHAPTER III.

ELECTIONS AND APPOINTMENTS OF COUNCILLORS AND ALDERMEN.

Fifty electoral divisions

48. (1) (*a*) For the purpose of the election of the divisional councillors to fill the fifty general seats referred to in clause (*a*) of sub-section (1) of section 5, the city shall be divided into fifty territorial divisions the boundaries of which shall be fixed by the Government by notification.

(*b*) The Government may, after consulting the corporation, by notification, alter the boundaries of any such division.

(2) (*a*) For the purpose of the election of councillors to fill the seats specially reserved for members of the depressed classes and women under clause (*a*) of sub-section (1) of section 5, the Government may, by notification declare—

(i) in which of the divisions the said seats shall be reserved, and

(ii) for whom such seats are reserved.

(*b*) The Government may after consulting the corporation, by notification, vary any declaration made by them under clause (*a*).

Number of councillors for each division.

49. (1) Except in the case of the divisions notified by the Government under sub-section (2) of section 48 only one councillor shall be elected for each division.

(2) Each of the divisions notified by the Government under sub-section (2) of section 48 shall elect in the manner specified in section 50, two councillors, one of whom shall be a member of the depressed classes, or a woman, as the case may be.

Mode of election.

50. All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election to any seat in that division, whether reserved or not.

Chapter III—Elections and Appointments of (Councillors and Aldermen)

Mode of election of councillors to labour seats.

51. (1) For the purpose of the election of councillors to the seats specially reserved for labour under clause (*b*) of sub-section (1) of section 5, the Government shall, by notification, constitute in such manner as they think fit two electorates consisting of persons employed in any industry situated in the city, who are members of registered labour associations.

(2) Each of the electorates constituted under sub-section (1) shall elect two councillors.

Publication of electoral roll.

52. (1) For each of the fifty divisions referred to in sub-section (1) of section 48 and for each of the labour electorates referred to in section 51, the commissioner shall prepare and publish annually an electoral roll showing the names of persons qualified to vote, provided that the electoral roll published in any year shall remain in force until the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote at a divisional election or at the election to a labour constituency, as the case may be, shall vote at such election.

Personal qualifications to vote at election to general and depressed class seats.

53. (1) Every person of either sex who has attained the age of 21 years in the year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 48.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the city and non-residence in the division for the period aforesaid is due to his absence on leave out of Mysore.

Explanation.—For the purpose of this sub-section no person shall be deemed to reside in more than one division.

(Chapter III—Elections and Appointments of Councillors and Aldermen)

Disqualification of voters.

54. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 70, and still in force.

Qualification of candidate.

55. (1) No person shall be qualified for election—

(*a*) as a councillor in respect of any of the fifty general divisional seats, unless his name is included in the electoral roll of any of the fifty divisions of the city;

(*b*) as a councillor in respect of any of the divisional seats specially reserved for members of the depressed classes or women unless –

(i) such person is himself a member of any such class or a woman, as the case may be; and

(ii) his or her name is included in the electoral roll of any of the fifty divisions aforesaid.

(*c*) as a councillor in respect of a labour electorate unless his name is included in the electoral roll of any of the labour electorates; and

(*d*) as an alderman, unless his name is included in the electoral roll of any of the fifty divisions referred to in clause (*a*).

(2) No servant of the Government shall be qualified for election or for holding office as a councillor or an alderman:

Provided that this prohibition shall not apply to—

(i) any person appointed as a special councillor under sub-section (3) of section 5; or

(ii) the holder of any office which does not involve both of the following incidents, namely,—

(*a*) that the incumbent is a whole-time servant of the Government, and

(*b*) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section the question shall be referred to the Government whose decision shall be final.

Disqualification of candidates.

56. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for election or appointment as a councillor or for election as an alderman while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election or appointment as a councillor or for election as an alderman if such person is at the date of nomination, election or appointment—

(*a*) of unsound mind, a deaf-mute or a leper;

(*b*) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(*c*) directly or indirectly, by himself or his partner, interested in a subsisting contract made with, or any work being done for, the corporation:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted;

(iv) any company or association, whether incorporated or not, which contracts with the corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation;

(v) any company; or

(vi) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles;

(*d*) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation;

(*e*) an officer or servant holding office under this Act, or an Honorary Magistrate or a Public Prosecutor or Government Pleader; or

(*f*) already either a councillor or an alderman whose term of office as such will not expire before his fresh election or appointment can take effect or has already been elected a councillor or an alderman whose term of office has not yet commenced.

(3) Notwithstanding anything contained in sub-section (1), the Government may direct that such sentence shall not operate as a disqualification.

(4) No person shall be qualified for election or appointment as a councillor or for election as an alderman during the period for which he has been declared to be disqualified by a judicial order passed under section 70, and in force.

Disqualification of councillors and aldermen.

57. (1) Subject to the provisions of section 59, a councillor or alderman shall cease to hold office as such, if he—

(*a*) becomes of unsound mind, a deaf-mute, or a leper;

(*b*) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 56;

(*c*) applies to be adjudicated or is adjudicated an insolvent;

(*d*) subject to the proviso to clause (*c*) of sub-section (2) of section 56, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation;

(*e*) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation;

(*f*) is appointed to any office or post referred to in clause (*e*) of sub-section (2) of section 56;

(*g*) is declared to be disqualified by a judicial order passed under section 70;

(*h*) ceases to reside in the city; or

(*i*) fails to attend the meetings of the corporation for a period of three consecutive months beginning from

the date of the commencement of his term of office or of the last meeting he attended, as the case may be:

Provided that the disqualifications specified in clauses (*h*) and (*i*) shall not apply to any person appointed as a special councillor under sub-section (3) of section 5.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor or alderman under clause (*b*) or clause (*g*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government and any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) In the case of a person who has ceased to be a councillor or an alderman in consequence of failure to attend meetings, the matter shall be reported by the commissioner at the next ordinary meeting and the corporation may at that meeting restore such person to office.

Oath of allegiance to be taken by councillors and aldermen.

58. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, as in force in Mysore, every person who is elected or appointed to be a councillor or elected as an alderman shall before taking his seat make, at a meeting of the corporation, an oath or affirmation of his allegiance to [1][the constitution] in the following form, namely:—

"I, A. B., having been elected/appointed a councillor/an alderman of this corporation do [1][swear in the name of God / solemnly affirm] that I will bear true faith and allegiance to the constitution of India,] and that I will faithfully discharge the [1][duty] upon which I am about to enter."

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1. Substituted by Act XXVI of 1951.

(2) Any person who having been elected or appointed to be a councillor or elected an alderman, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected or appointed to be a councillor or elected an alderman shall not take his seat at a meeting of the corporation or do any act as such councillor or alderman unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a mayor or deputy mayor or the chairman or a member of a standing committee, who has not made the oath or affirmation as a councillor or alderman shall be entitled to act as such mayor, deputy mayor, chairman, or member:

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the corporation which he attends within two months after he is elected as a mayor, deputy mayor, chairman or member, as the case may be.

Decision of questions of disqualifications of councillors and aldermen by the District Judge, Bangalore.

59. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor or elected as an alderman is disqualified under section 56 or section 57 or section 58 and such person does not admit the allegation or whenever any councillor or alderman is himself in doubt whether or not he has become disqualified for office, such councillor or alderman or any other councillor or alderman may, and the commissioner, at the request of the corporation or on a direction from the Government, shall, apply to the District Judge, Bangalore Division.

(2) The said District Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 56 or section 57 or section 58 and his decision shall be final.

(3) Until an application has been made under sub-section (1) and a decision thereon has been obtained such person shall be entitled to act as if he were not disqualified.

(Chapter III—Elections and Appointments of Councillors and Aldermen)

General Rules for Election and Appointment.

Term of office of councillors and aldermen.

60. The term of office of councillors and aldermen shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of January.

Election of divisional councillors.

61. (1) Vacancies arising by efflux of time in the office of divisional councillor shall be filled at ordinary elections, which shall be fixed by the commissioner to take place on such days in the months of November and December immediately preceding the vacancies as he thinks fit.

(2) A casual vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(3) A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure on failure of election.

62. (1) If from any cause no councillor is elected at an ordinary election held under section 61, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If in any such case, the retiring councillor is not willing to serve, or if at a casual election no councillor is elected, the commissioner shall, without delay, inform the corporation and thereupon the corporation may appoint a qualified person to fill the vacancy, and if the corporation fails within thirty days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.

(3) The term of office of councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at ordinary or the casual election, as the case may be.

(Chapter III—Elections and Appointments of Councillors and Aldermen)

Procedure in case of equality of votes.

63. If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

Election of institutional councillors.

64. (1) Vacancies arising by efflux of time in the office of councillors elected under clauses (*b*) and (*c*) of sub-section (1) of section 5 shall be filled by election not later than the first day of December immediately preceding the vacancies.

(2) A casual vacancy in the office of any such councillor shall be filled by election, as soon as may be, after the occurrence of the vacancy.

(3) A councillor elected in a casual vacancy under sub-section (2) shall enter upon office forthwith, but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Election of aldermen.

65. (1) Vacancies arising by efflux of time in the office of aldermen shall be filled by election at a meeting of the persons who on the first day of January on which such vacancies will arise will enter upon office as councillors.

Such meeting shall be convened by the mayor and shall be held on such day in the month of December immediately preceding the vacancies, as he may, with the approval of the Government, determine.

(2) A casual vacancy in the office of an alderman shall be filled by election at a meeting of the elected councillors convened by the mayor, as soon as may be, after the occurrence of the vacancy.

(3) An alderman elected at a casual election shall enter upon office forthwith but shall hold office so long only as the alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) If from any cause any one or more of the aldermen for whose election a meeting is held under sub-section (1) or sub-section (2), are not elected, the mayor shall fix a day for a fresh election.

(5) The term of office of an alderman elected at an election held under sub-section (4) shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Election of same person for more than one division, institution or body.

66. (1) If any person has been elected—

(*a*) for two seats in a division or for two or more divisions or by two or more labour electorates or by two or more of the bodies referred to in clause (*c*) of sub-section (1) of section 5; or

(*b*) for one or more divisions and by one or more labour electorates or by one or more of the said bodies; or

(*c*) by one or more labour electorates and by one or more of the said bodies; or

(*d*) for one or more divisions, by one or more labour electorates, and by one or more of the said bodies;

he shall, within three days from the date of the last of such elections, intimate to the commissioner, the seat, the division, the labour electorate, or the body for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the seat, the division or the labour electorate or body for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the seat or the division or the labour electorate or body so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other seat, divisions, labour electorates or bodies shall be filled by fresh elections.

Notification of elections.

67. All elections of the mayor, deputy mayor and aldermen and all elections of councillors shall be notified in the Official Gazette.

Power of Government to make election rules.

68. (1) The Government may make rules regulating the procedure with regard to elections.

(2) Without prejudice to the generality of sub-section (1) such rules may—

(*a*) provide for the adjudication by the Court of the District Judge, Bangalore Division, of disputes arising out of elections and for an appeal on a point of law to the High Court from the decision of such court; and

(*b*) provide for all matters not expressly provided for in this Act relating to the election of the mayor, the deputy mayor, councillors or aldermen including deposits to be made by candidates standing for election as councillors, and the conditions under which such deposits may be forfeited :

Provided that the deposit required shall not exceed one hundred rupees.

Infringement of secrecy of election.

69. Every polling officer, clerk or other person in attendance at the polling room who, except for purposes authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who, by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Order of disqualification.

70. Every person convicted of an offence punishable under section [1][69] or under Chapter IX-A of the Indian Penal Code as in force in Mysore shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of councillor or alderman for such period not exceeding five years from the date of his conviction as the court may, by order, determine.

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1. Substituted by Act XXVI of 1951.

CHAPTER IV.

GENERAL POWERS OF MUNICIPAL AUTHORITIES AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

Limitation power to accept property in trust.

71. The corporation may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

Acquisition of property and interests therein.

72. Subject to the provisions of section 79, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:

Provided that—

(*a*) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(*b*) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gifts or bequest of property burdened by an obligation; and

(*c*) the sanction of the corporation shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

Disposal of property and interest therein.

73. (1) Subject to the provisions of section 79, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for

any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

(3) With the sanction of the corporation the commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable.

(4) The sanction of the standing committee under sub-section (2) or that of the corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the standing committee in that behalf.

[1][(6) Notwithstanding anything contained in the foregoing provisions of this section, no property whether movable or immovable exceeding two thousand rupees in value shall be sold otherwise than by public auction and no property movable or immovable of whatever value shall be granted free of cost except with the previous sanction of the Government.]

Procedure for acquisition of immovable property under the Mysore Land Acquisition Act, 1894.

74. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Mysore Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

1. Added by Act XXVI of 1951.

Objects not provided for by this Act.

75. The Government may with the consent of the corporation transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the Government.

Contracts.

Power of corporation to determine whether works shall be executed by contract.

76. The corporation may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or otherwise.

Power of the several authorities to sanction estimates.

77. (1) The commissioner may sanction any estimate, the amount of which does not exceed [1][three thousand rupees].

(2) When the amount of the estimate exceeds [1][three thousand rupees] but does not exceed [1][ten thousand rupees] the sanction of the standing committee shall be required.

[2][(3) Any estimate the amount of which exceeds ten thousand rupees and where the corporation either generally or in any specified case so directs any estimate the amount of which is less than ten thousand rupees shall require the sanction of the corporation].

Works costing more than ten thousand rupees.

78. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds [1][ten thousand rupees]

(*a*) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the corporation;

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1. Substituted by Act XXVI of 1951.
2. Added by Act XXVI of 1951.

(*b*) the corporation shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications.

(2) (*a*) Where the corporation approves the project, and the entire estimated cost exceeds [1][fifty thousand rupees] the report subject to any modifications as aforesaid, shall be submitted to the Government.

(*b*) The Government may reject the project or may sanction it either in its entirety or subject to modification.

(*c*) The work shall not be commenced until the project has been sanctioned by the Government with or without modification.

(*d*) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

General provisions regarding contracts.

79. (1) The corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely,—

(*a*) every contract shall be made on behalf of the corporation by the commissioner;

(*b*) no contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the sanction of one of the other municipal authorities, shall be made by him unless such sanction has been given;

(*c*) no contract involving an expenditure exceeding [1][three thousand rupees] and not exceeding [1][ten thousand rupees] shall be made by the commissioner unless it has been sanctioned by the standing committee;

(*d*) no contract involving an expenditure exceeding [1][ten thousand rupees] shall be made by the commissioner unless it has been sanctioned by the corporation;

1. Substituted by Act XXVI of 1951.

(*e*) every contract made by the commissioner involving an expenditure exceeding one thousand rupees and not exceeding [1][three thousand rupees] shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per cent on the expenditure involved in the original contract.

Mode of making contracts.

80. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that—

(*a*) the common seal of the corporation shall be affixed to every contract which, if made between private persons, would require to be under seal ; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the commissioner and shall not be affixed to any contract or other instrument except in the presence of the commissioner or of two members of the standing committee, and the commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

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1. Substituted by Act XXVI of 1951.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

Invitation of tenders.

81. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding two thousand rupees, the commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the standing committee may at the instance of the commissioner and for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the commissioner may, subject to the provisions of section 79, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

Saving of certain irregularities.

82. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 79, section 80 or section 81 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

83. The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

Establishment.

The Health Officer, the Engineer, etc.

84. (1) The corporation shall appoint a Health Officer, an Engineer, a Revenue Officer, and such other officers as it may consider necessary who shall be heads of departments working under the commissioner.

The salary and allowances attaching to every such appointment shall be fixed by the corporation subject to

the sanction of the Government, and shall not be varied without the like sanction;

[1]* * * * * *

(2) The said officers shall be whole-time officers of the corporation and shall not undertake any work unconnected with their respective offices without the sanction of the corporation.

Special superior appointments.

85. The corporation may appoint:

(*a*) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city;

(*b*) engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any scheme or work undertaken by the corporation;

(*c*) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation:

Provided that—

(i) no such special office shall be created without the sanction of the Government;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the corporation, subject to the sanction of the Government, save as expressly laid down in section 88, and shall not be varied without the like sanction; and

[1]* * * * *

Time within which vacancy in superior appointment must be filled up.

86. (1) If a vacancy occurs in any office specified in sections 84 and 85 or any new office is created under section 85, the corporation shall within two months appoint some person to hold such office.

(2) If the Government refuse to confirm the appointment so made, the corporation shall make a fresh

1. Proviso omitted by Act XXVI of 1951.

appointment within forty-five days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Government may appoint a person to hold the office and such person shall be deemed to have been appointed by the corporation.

(4) Pending an appointment under sub-section (1) or sub-section (2), the corporation may appoint a person to hold the office temporarily and may assign to him such salary as it shall think fit:

Provided always that the salary so assigned shall not exceed the maximum fixed with the sanction of the Government under section 84 or section 85 in respect of the office.

Removal and leave, pensionary and leave contributions of superior officers.

87. (1) Any officer appointed under section 84, section 85 or sub-section (3) of section 86 may be removed from office by the corporation subject to the approval of the Government.

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the corporation for longer periods.

(3) If any such officer is a civil officer in the service of the Government, he shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

(4) If any such officer is not a civil officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contributions payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Government:

Provided that—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the

special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power of Government to appoint special health officers.

88. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city, the Government, if they consider immediate action necessary, may, of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund:

Provided that—

(*a*) the duration of the special office shall not exceed six months; and

(*b*) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

Appointment to corporation establishment.

89. [1](1) Subject to the provisions of sections 84, 85 and 88, appointments to the corporation establishment shall be made—

(*a*) by the corporation if the maximum monthly salary of the office exceeds one hundred rupees;

(*b*) by the commissioner in all other cases.

[2][(2) Any appointment to an office under the corporation under section 84 or section 85 or under this section the maximum monthly salary of which exceeds two hundred and fifty rupees shall be made only with the previous sanction of the Government.]

Establishment schedule.

90. (1) The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.

1 Numbered as sub-section (1) by Act XXVI of 1951.
2. Added by Act XXVI of 1951.

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the corporation with its remarks, if any.

(3) The corporation shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the commissioner and standing committee:

Provided that no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds one hundred rupees.

Restriction of employment of establishment.

91. No officer or servant shall be entertained on the corporation establishment unless he has been appointed under section 84, section 85, section 86 or section 88, or unless his office and emoluments are included in the schedule sanctioned under section 90.

Commissioner controls corporation establishment.

92. Subject to the provisions of this Act and to the bye-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Contributions in respect of Government servants.

93. (1) If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

(2) Every Government servant employed by the corporation shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.

Power of standing committee to frame service regulations.

94. Subject to the provisions of this Act, the standing committee may frame regulations in respect of the corporation establishment—

(*a*) fixing the amount and nature of security to be furnished;

(*b*) prescribing educational or other qualifications;

(*c*) regulating the grant of leave, leave allowances and acting allowances;

(*d*) regulating the grant of pensions and gratuities;

(*e*) establishing and maintaining provident funds and making contribution thereto compulsory;

(*f*) regulating conduct; and

(*g*) generally prescribing conditions of service:

Provided that every regulation so framed shall be subject to confirmation by the corporation and that every regulation framed under clause (*b*) in respect of any officer whose appointment is subject to confirmation by the Government or clause (*d*) or clause (*e*) or clause (*g*) shall also require the sanction of the Government:

Provided also (*i*) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status, and (*ii*) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power to punish establishment.

95. (1) Subject to the provisions of section 93, if any officer or servant in the service of the corporation other than an officer appointed under section 84, section 85 or sub-section (3) of section 86 is guilty of any breach of any departmental rules or discipline or of carelessness, neglect of duty or other misconduct, or is unfit, the authority competent to appoint such officer or servant may impose the following penalties on him, namely:—

(*i*) censure;

(*ii*) withholding of increments or promotion, including stoppage at an efficiency bar;

(*iii*) reduction to a lower post or time-scale, or to a lower stage in a time-scale ;

(*iv*) fine ;

(*v*) recovery from pay of the whole or part of any pecuniary loss caused to the corporation ;

(*vi*) suspension ;

(*vii*) removal from the service of the corporation, which does not disqualify from future employment ;

(*viii*) dismissal from the service of the corporation which ordinarily disqualifies from future employment.

(2) Any order passed under sub-section (1) shall be final :

Provided that any officer or servant in receipt of a monthly salary of not less than fifty rupees may appeal to the standing committee against any order of the commissioner reducing, removing or dismissing him or suspending him for a period of more than one month :

Provided further that any officer or servant in receipt of a monthly salary exceeding one hundred rupees may appeal to the Government against an order of dismissal, within a period of one month from the date of the order passed by the standing committee, on appeal from such order of dismissal :

Provided further that no Government servant employed by the corporation shall be dismissed from such employment without the consent of the Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(3) Pending a resolution of the corporation the commissioner may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the corporation the reasons for his action.

96. Save as provided in sections 87 and 93, leave may be granted to the corporation establishment by the commissioner. Power to grant leave to establishment.

PART III.

Taxation and Finance.

CHAPTER V.

TAXATION.

Enumeration of Taxes.

Enumeration of taxes and duties

97. The corporation may levy—

(*a*) a property tax,

(*b*) a profession tax,

(*c*) a tax on carriages and animals,

(*d*) a tax on carts,

(*e*) an octroi on animals or goods or both brought within the octroi limits for consumption or use therein,

and may, with the previous sanction of the Government, levy

[1][(*f*) a toll on vehicles other than motor vehicles paying vehicle tax under the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951) entering the Corporation limits;]

[2](*g*) a tax on advertisements,

[2](*h*) a duty on certain transfers of property in the shape of an additional stamp duty,

[3] * * * *

Powers of control of Government.

98. (1) Before the corporation passes any resolution imposing a tax or duty for the first time it shall direct the commissioner to publish a notice in the Official Gazette and in the local newspapers of its intention and fix a reasonable period not being less than one month from the date of publication of such notice in the Official Gazette for submission of objections. The corporation may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax or duty. Such resolution shall specify the rate at which,

1. Inserted by Act XXVI of 1951.
2. Re-lettered by Act XXVI of 1951.
3. Clause (h) omitted by Act XXVI of 1951.

the date from which and the period of levy, if any, for which such tax or duty shall be levied.

(2) When the corporation shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.

(3) Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied shall not be carried into effect without the sanction of the Government, but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied provided that such reduction does not contravene the proviso to sub-section (2) of section 99.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rates or the date fixed in such resolution so far as that year is concerned shall be taken into consideration by the corporation without the sanction or a direction from the Government.

THE PROPERTY TAX.

Description and class of property tax.

99. (1) If the corporation by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within the city save those exempted by or under this Act or any other law. The property tax may comprise—

(*a*) a tax for general purposes;

(*b*) a water tax and sanitary cess for the purpose of defraying the expenses connected with the water and drainage systems of the city;

(*c*) a lighting tax for the purposes of defraying the expenses connected with the lighting of the city:

Provided that where the water tax and sanitary cess are levied the corporation shall declare what proportion of the tax is levied in respect of water works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notice published under sub-section (2) of section 98.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the corporation:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than $12\frac{1}{2}$ per cent or greater than 16 per cent of its annual value.

(3) For the purposes of assessing the property tax the annual value of any building or land shall be determined by the commissioner:

Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the mayor.

Method of assessment of property tax.

100. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may at the time of assessment reasonably be expected to let from month to month or from year to year, less a deduction in the case of buildings only of $16\frac{2}{3}$ per cent of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

(*a*) in the case of—

(i) any Government or railway building; or

(ii) any building of a class not ordinarily let, the gross annual rent of which cannot in the opinion of the commissioner be estimated;

the annual value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time of assessment and the estimated cost of erecting the building at such time after deducting for depreciation, a reasonable amount which shall in no case be less than ten per-cent of such cost, and

(*b*) machinery and furniture shall be excluded from valuations under this section:

Provided further that where the annual value of any land or building is attributable partly to the use of such land or building or any portion thereof for the display of

any advertisement or advertisements, the annual value of such land or building for the purpose of assessing the property tax thereon shall be ascertained as if, such land, building or portion is not used for the display of such advertisement or advertisements.

General exemptions.

101. The following buildings and lands shall be exempt from the property tax :—

(*a*) places set apart for public worship and either actually so used or used for no other purpose ;

(*b*) choultries for the occupation of which no rent is charged and choultries the rent charged for occupation of which is used exclusively for charitable purposes ;

(*c*) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the corporation ;

(*d*) such ancient monuments protected under the Ancient Monuments Preservation Act, 1925, or parts thereof as are not used as residential quarters or public offices ;

(*e*) charitable hospitals and dispensaries but not including residential quarters attached thereto ;

(*f*) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Government, but not including residential quarters attached thereto ;

(*g*) burial and burning grounds included in the list published by the commissioner under section 337 (3) of this Act ;

(*h*) Government lands set apart free for recreation purposes and all such other property of the Government [1] * * * * from which in the opinion of the Government any income could be derived as may from time to time be notified by the Government ;

[2][(*i*) the Palace at Bangalore ;]

[3][(*j*) buildings belonging to the Government or the Government of India ;]

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1. Certain words omitted by Act XXVI of 1951.
2. Substituted by Act 19 of 1954.
3. Inserted by Act XXVI of 1951.

[1](*k*) any building or land the annual value of which is less than thirty-six rupees provided that the owner thereof is not liable to profession-tax or income-tax and provided further no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than thirty-six rupees :

Provided that nothing contained in clauses (*a*), (*c*) and (*e*) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.

Special exemptions and alternative bases of property tax.

102. The rates of property tax fixed by the corporation may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land increases. When a progressive rate has been adopted by the corporation it shall prescribe the principles of classification (as that a certain sum which shall be tax-free shall be deducted from the assessment of each building or land or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class) and the precise number and limits of each class :

Provided that—

(*a*) the corporation may, with the sanction of the Government, exempt any local area from the whole or a portion of the water tax and sanitary cess or of the lighting tax on the ground that such area is not deriving any or the full benefit from the water supply and drainage or from the lighting system;

(*b*) in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet—

(i) for the water tax and sanitary cess—three rupees;

1. Re-lettered by Act XXVI of 1951.

(ii) for the lighting tax—one rupee;

(iii) for the tax for general purposes—four rupees.

Property tax a first charge on property and movables.

103. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Property tax when payable.

104. The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule III, be paid by the owner of the assessed premises within fifteen days after the commencement of the half-year.

Vacancy remission.

105. (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the commissioner shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every claim for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (*a*) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the commissioner—

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(*b*) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later; and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(*c*) Every notice under clause (*a*) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

Obligation of transferor and transferee to give notice of transfer.

106. (1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the commissioner within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall in addition to any other liability which he may incur through such neglect continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

(*a*) the liability of the transferee for the payment of the said tax, or

(*b*) the prior charge of the corporation under section 103.

(Chapter V—Taxation)

Owner's obligation to give notice of construction or re-construction or demolition of building.

107. (1) (*a*) If any building in the city is constructed or re-constructed, the owner shall give notice thereof to the commissioner within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(*b*) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(*c*) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of so much, not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) (*a*) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

(*b*) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(*c*) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much, not exceeding a half, of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction as the case may be.

Remission of tax in areas included or excluded in the middle of half-year.

108. (1) If any area is included in the city, the owner of every building or land in such area shall—

(*a*) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(*b*) if such date falls within the first four months of a half-year, be entitled to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from the city, the owner of every building or land in such area shall be entitled—

(*a*) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year ; and

(*b*) if such date falls within the last four months of a half-year, to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the commissioner within three months from the date of the exclusion of the area in which the building or land is situated.

Power of commissioner to condone omission to give notice.

109. The commissioner may, at his discretion, condone omissions to give notice under sections 105, 106, 107 or 108 giving his reasons in writing for every such condonation.

Commissioner's power to call for information and to enter upon premises.

110. (1) For the purpose of assessing the property tax, the commissioner may, by notice, call upon the owner or occupier of any building or land to furnish him within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases, with returns of the rent payable for the building or land, the cost of erecting the building, and the measurements of the land with such and other information as the commissioner may require and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the commissioner may enter, inspect, survey and measure any building or land,

after giving twenty-four hours' notice to the owner or occupier.

Profession Tax.

Tax on professions, arts, callings, business and appointments.

111. (1) If the corporation by a resolution determines that a profession tax shall be levied, every person, who after the date specified in the notice published under sub-section (2) of section 98 in any half-year—

(*a*) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within the city for not less than sixty days in the aggregate; or

(ii) outside the city but who resides in the city for not less than sixty days in the aggregate; or

(*b*) resides in the city for not less than sixty days in the aggregate and is in receipt of any pension or income from investments;

shall pay, in addition to any license fee that may be leviable under this Act, a half-yearly tax, assessed in accordance with the rules in Schedule III, but in no case exceeding rupees two hundred.

Explanation 1.—A person shall be deemed to have exercised a profession, art or calling or held an appointment within the city, if the person has an office or place of employment within the city.

Explanation 2.—A touring officer whose headquarters is within the city shall be liable for the payment of profession tax even though he has not stayed at headquarters for the period specified in this sub-section provided that his connection with the appointment has subsisted for such period.

Explanation 3.—Any amount received by a person in commutation of his pension, or any portion of his pension, shall not be deemed to be a pension within the meaning of this sub-section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) Nothing contained in this section shall be deemed to render a person who resides within the local limits of

any local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final.

Liability of member of firm or undivided family for profession tax.

112. The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of that firm, association or family.

Payment when due and notice to pay.

113. (1) The expression "transacts business" in section 111 shall be deemed to include the doing of acts of business of whatever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders, or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

(2) Where for the purpose of transacting business within the city a person has an office or has an agent or firm to represent him, such person shall be deemed to transact business within the city, whether or not such office, agent or firm has power to make binding contracts on behalf of such person and the person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by such person.

(3) A person otherwise liable to profession tax under section 111, shall not cease to be liable to such tax by reason only of his head office or the place from which his business is controlled being situated outside the city or by reason only of the fact that his transactions are closed outside the city.

(4) If a person proves that he has paid the sum due on account of the profession tax levied under this Act or under the Mysore City Municipalities Act, 1933, or under the Mysore Town Municipalities Act, 1933[1], for the same half-year, to the corporation of the city of Bangalore or any other municipal council in Mysore, such person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment

1. Repealed and re-enacted as Mysore Act XXII of 1951.

or residence, to pay to the corporation of the city of Bangalore or any municipal council more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act or any of the aforesaid Acts.

(5) If the profession tax due from any person in respect of any half-year is not paid, the commissioner shall cause a notice to be served on such person to pay such tax within fifteen days of the date of such service.

Statements, returns, etc., to be confidential.

114. All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any person shall be treated as confidential and copies thereof shall not be granted to the public.

Requisition on owner or occupier to furnish list of persons liable to tax.

115. The commissioner may, by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art, trade or calling or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

Requisitions on employers or their representatives to furnish list of persons liable to tax.

116. The commissioner may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club, or of a firm or company—

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house or club, firm or company as officers, servants, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons ; and

(*b*) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on Carriages and Animals.

General Provisions regarding tax on carriages and animals.

117. (1) If the corporation by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part IV of Schedule III.

(2) The rates of the tax shall be determined by the corporation, provided always that they shall not exceed the maxima laid down in Part IV of Schedule III.

Liability to tax according to period for which carriage or animal has been kept.

118. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

Exemptions.

119. The carriage and animal tax shall not be levied on—

[1] * * * *

(*b*) carriages and animals belonging to the Government or the Government of India;

(*c*) carriages and animals belonging to councillors or aldermen or members of the city police or officers or servants of the corporation employed on out-door duties, provided that the exemption under this clause shall extend only to a carriage or animal required to be kept by any

1. Clause (*a*) of section 119 omitted by Act 19 of 1954.

such councillor, alderman, member, officer or servant for the discharge of his official duties;

(*d*) carriages and animals kept solely for sale by carriage-makers and dealers;

(*e*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;

(*f*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or diseased animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

Composition.

120. With the sanction of the standing committee or in accordance with regulations framed by that body, the commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statement of persons liable to tax.

121. (1) The commissioner may by notice require the occupier of any premises to furnish him with a statement—

(*a*) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax;

(*b*) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

Forms to be sent to and returned by tax payers.

122. (1) The commissioner shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, signed and dated and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2) the commissioner shall cause a notice

to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the commissioner such person is liable on account of the tax on carriages and animals.

Grant of licence on payment of tax.

123. When any person pays the amount of tax due in respect of any carriage or animal, the commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

Powe to require number to be affixed to bicycles, etc.

124. (1) The commissioner may direct that a municipal number shall be affixed—

(*a*) to every carriage let out for hire within the city, and

(*b*) to every bicycle and tricycle kept within the city.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on Carts.

General provisions regarding cart-tax.

125. (1) If the corporation by a resolution determines that a tax shall be levied on carts, the commissioner shall levy the said tax half-yearly at the rate or rates which shall not exceed eight rupees per cart per half-year fixed by the corporation and from the date specified in the notice published under section 98 on all classes of carts kept within the city :

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person :

Provided further that in the case of single bullock carts the tax shall not exceed four rupees half-yearly :

Provided further that in fixing the said rates, the corporation shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The commissioner may direct that a municipal number shall be affixed to every registered cart.

(4) The commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Exemptions.

126. Nothing in section 125 shall apply to—

(*a*) gun carriages, ordnance carts or wagons or other such property of the Government or the Government of India, and

(*b*) carts kept solely for sale by cart-makers and dealers.

Power to remit tax on cart kept for less than fifteen days or not used.

127. The commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Power to seize Carriages and Carts not bearing numbers.

Seizure of vehicles not bearing numbers.

128. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 124 or section 125, as the case may be, the commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Provided that no vehicle other than a bicycle, tricycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

Procedure after seizure.

129. (1) If a vehicle or animal is detained under section 128 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any, due on the vehicle or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct ; and

(iii) the charge incurred in connection with the seizure, detention and sale.

(2) If there is surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;
(ii) such penalty not exceeding the amount of the tax as the commissioner may direct; and
(iii) the charges incurred in connection with the seizure and detention.

Octroi.

Octroi.

130. If the corporation by a resolution determines that an octroi should be levied on animals or goods brought within the octroi limits of the city, such octroi shall be levied on such articles or goods specified in Part V of Schedule III at such rates not exceeding those laid down in the said Part in such manner as may be determined by the corporation.

Power to examine articles liable to octroi.

131. (1) Every person bringing into, or receiving from beyond the octroi limits of the city any article on which octroi is payable shall, when required by an officer authorised in this behalf by the corporation and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article; and
(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of the city any conveyance or package, shall refuse on the demand of an officer authorised by the corporation in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the

conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the corporation, as the corporation appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

132. (1) Every officer demanding octroi by the authority of the corporation shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into the city are liable to the payment of octroi, then every person who, with the intention to defraud the corporation, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the city, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

133. (1) Any person,—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained, shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater, and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) Any officer of the corporation authorised by the corporation in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the city within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section.

Power to seize article on non-payment of octroi

134. (1) In the case of non-payment on demand of any octroi leviable by the corporation, the person appointed to collect such octroi may seize any article on which the octroi is chargeable which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the article seized a list of the property.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi demanded be forthwith paid.

Release of properly on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the corporation office the amount of all expenses incurred and of the octroi payable, the commissioner shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in payment of such octroi and the expenses incidental to the seizure, detention and sale.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

135. The corporation, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the city, may at any time direct that an account current shall be kept on behalf of the corporation of octroi so due from any such firm or body as the corporation specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the corporation or any committee or officer authorised by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act.

Tax on Advertisements.

Tax on advertisements.

136. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions, as the corporation may, with the approval of the Government, by resolution determine :

Provided always that the rates shall be subject to the maxima and minima laid down by the Government in this behalf :

Provided also that no tax shall be levied under this section on any advertisement or a notice—

(*a*) of a public meeting, or

(*b*) of an election to any legislative body or the corporation of the City of Bangalore, or

(*c*) of a candidature in respect of such an election :

Provided further that no such tax shall be levied on any advertisement which is not a sky-sign and which—

(*a*) is exhibited within the window of any building ; or

(*b*) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or

(*c*) relates to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(*d*) relates to the business of any railway; or

(*e*) is exhibited within any railway station or upon any wall or other property of a railway except any portion of the surface of such wall or property fronting any street.

Explanation 1.—The word 'structure' in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The expression 'sky-sign' shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which, sky-sign shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(*a*) any flag-staff, pole, van or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not openwork, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, or against, or on which it is fixed or supported; or

(*c*) any advertisement relating to the name of the land or building, upon or over which the advertisement is

exhibited, or to the name of the owner or occupier of such land or building; or

(*d*) any advertisement relating exclusively to the business of a railway, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway, and so placed that it cannot fall into any street or public place; or

(*e*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—'Public place' shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

Prohibition of advertisements without written permission of commissioner.

137. (1) No advertisement shall, after the levy of the tax under section 136 has been determined upon by the corporation, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the commissioner.

(2) The commissioner shall not grant such permission if–

(i) the advertisement contravenes any bye-law made by the corporation under clause (31) of section 367; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway relating to the business of a railway.

Permission of the commissioner to become void in certain cases.

138. The permission granted under section 137 shall become void in the following cases, namely:—

(*a*) if the advertisement contravenes any bye-law made by the corporation under clause (31) of section 367;

(*b*) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the Corporation Engineer;

(*c*) if any material change be made in the advertisement or any part thereof;

(*d*) if the advertisement or any part thereof falls otherwise than through accident;

(*e*) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(*f*) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

Owner or person in occupation to be deemed responsible.

139. Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 136 or section 137 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

Removal of unauthorised advertisements.

140. If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 136 or section 137 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.

(*Chapter V—Taxation*)

Collection of tax on advertisements.

141. The commissioner may farm out the collection of any tax on advertisements leviable under section 136 for any period not exceeding one year at a time on such terms and conditions as may be provided for by bye-laws made under section 367.

Duty on Transfer of Property.

Method of assessments of duty on transfers of property.

142. The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, [1][on all instruments of transfer of immovable property by sale, gift or mortgage] of immovable property situated within the limits of the City which may be executed after the commencement of this Act at a rate not exceeding two per cent, as the case may be, the amount of the consideration, or the value of the property, as set forth in the instrument:

Provided that no such duty shall be levied in respect of instruments of [1][sale, gift or mortgage] where the amount of the consideration or the value of the property does not exceed Rs. 5,000.

Provisions applicable on the introduction of transfer duty.

143. On the introduction of the transfer duty—

(*a*) Section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city.

(*b*) Section 64 of the same Act shall be read as if it referred to the corporation as well as the Government.

Power to make rules regarding assessment and collection of transfer duty.

144. The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

General Provisions.

Power to assess in case of escape from assessment.

145. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this chapter has escaped assessment in any half-year or year, the commissioner may, at any time within three years from the date on which such person should have

1. Substituted by Act XXVI of 1961

been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the half-year or year to which the tax or fee relates.

Rules in Schedule III.

146. The rules and tables embodied in Schedule III shall be read as part of this chapter.

CHAPTER VI.

FINANCE.

The Municipal Fund.

Municipal fund. Definition of

147. All moneys received by the corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with the provisions of this Act or other laws, for the time being in force.

Audit of accounts.

148. The Government shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Financial rules.

149. With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule IV shall be observed.

Contributions to expenditure by other local authorities.

150. (1) If the expenditure incurred by the Government or by any local authority in Mysore for any purpose authorised by or under Schedule IV is such as to benefit the inhabitants of the city, the corporation may make a contribution towards such expenditure.

(2) The Government may direct the corporation to show cause, within a period fixed by the Government in this behalf and not being less than one month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as they shall name and it shall be paid accordingly.

LOANS.

151. (1) The corporation may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, fees and dues authorized by or under this Act, any sums of money which may be required— **Power to corporation to borrow money.**

(*a*) for the construction of works,
(*b*) for the acquisition of lands and buildings, or
(*c*) for slum clearance and construction of tenements,
(*d*) to pay off any debt due to the Government, or
(*e*) to repay a loan previously raised under this Act or other Act or law previously in force:

Provided that—

(i) no loan shall be raised without the previous sanction of the Government, and

(ii) the amount of the loan, the rate of interest and the terms including the date of floatation, the time and method of repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1)—

(*a*) no portion thereof shall without the previous sanction of the Government be applied to any purpose, other than that for which it was borrowed, and

(*b*) no portion of any sum of money borrowed under clause (*a*) or clause (*c*) of sub-section (1) shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

152. The time for the repayment of any money borrowed under section 151 shall in no case exceed sixty years, and the time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend **Time for re-payment of money borrowed under section 146.**

beyond the unexpired portion of the period for which such previous loan was sanctioned.

Limit of borrowing powers

153. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed ten per cent of the annual value of buildings and lands as determined under Chapter V.

Form and effect of debentures.

154. All debentures issued under this chapter shall be in such form as the corporation, with the previous sanction of the Government, may determine, and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Payment to survivors of joint payees.

155. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, as in force in Mysore, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend

156. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

Maintenance and investment of sinking funds.

157. (1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested by the commissioner in—

(*a*) securities of the Government or the Government of India, or

(*b*) securities guaranteed by the Government and shall be invested in the joint names of the (Secretary to the Government, Finance Department and the Comptroller to the Government), to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. Every such investment shall be reported by the commissioner to the corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund.

158. The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose :

Provided that when any loan or parts thereof have been consolidated under section 160, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

Annual statement by trustee

159. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing—

(*a*) the amount which has been invested during the year under section 157;

(*b*) the date of the last investment made previous to the submission of the statement;

(*c*) the aggregate amount of the securities then in their hands; and

(*d*) the aggregate amount which has up to the date of the statement been applied under section 158 in or towards discharging loans.

(2) Every such statement shall be laid before the corporation and published.

Power of corporation to consolidate loans.

160. (1) Notwithstanding anything to the contrary contained in this chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the "Municipal Consolidated Loan, 19 ") and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Government.

(3) The period for the extinction of any such consolidated loan shall not, without sanction of the Government, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 157 having regard to the amount transferred to such sinking fund under section 158.

Priority of payments for interest and repayment of loans over other payment.

161. All payments due from the corporation for interest on and repayment of loans shall be made in priority to all other payments due from the corporation.

Attachment of Municipal Fund for recovery of money borrowed from Government.

162. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

Estimates of expenditure and income to be prepared annually by the commissioner.

163. The commissioner shall, on or before the [1][fifteenth day of January] each year, prepare and submit to the Standing Committee a budget containing a detailed estimate of income and expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans shall submit his proposals in regard thereto.

Budget estimate to be prepared by the Standing Committee on Taxation and Finance.

164. (1) The Standing Committee on Taxation and Finance shall on or as soon as may be after the [1][fifteenth day of January] consider the estimates and proposals of the commissioner and after having obtained proposals, if any of other standing committees, and such further detailed information, if any, as it shall think fit to require from the commissioner and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it shall think fit,

1. Substituted by Act XXVI of 1951.

a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the standing committee shall—

(*a*) provide for the payment, as they fall due of all instalments of principal and interest for which the corporation may be liable on account of loans;

(*b*) allow for a cash balance at the end of the year of not less than one lakh of rupees under General Account—Revenue.

(3) The commissioner shall cause the budget estimate, as finally approved by Standing Committee, to be printed and shall, not later than the [1][first day of February], forward a printed copy thereof to each councillor.

Consideration of budget estimate by the corporation.

165. At a meeting of the corporation which shall be called for some day in the first week of [1][February] the budget estimate prepared by the standing committee shall be laid before the corporation.

Procedure of corporation.

166. The corporation may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to it, either as it stands, or subject to such alteration as it deems expedient: provided that the budget estimate finally adopted by the corporation shall make adequate and suitable provision for each of the matters referred to in clauses (*a*) and (*b*) of section 164, sub-section (2).

Obligation to pass budget before the beginning of the year.

[1][**167.** (1) The corporation shall finally pass the budget estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the budget in its entirety or subject to such modifications as it thinks fit:

Provided however that if within two months of the date of receipt of the budget, the Government do not

1. Substituted by Act XXVI of 1951.

communicate any orders thereon, the budget shall be deemed to have been sanctioned by the Government.]

Corporation may pass supplemental budget.

168. The corporation may, on the recommendation of the standing committee, from time to time, during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements arising during that year, but not so that the estimated cash balance under General Account—Revenue at the close of the year shall be reduced below one lakh of rupees.

Reduction or transfer of budget grants.

169. (1) The standing committee may, if it thinks necessary, at any time during the year—

(*a*) reduce the amount of a budget grant; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the corporation shall not be increased except by the corporation under section 168;

(iii) every such reduction or transfer shall be brought to the notice of the corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding Rs. 500, the corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

170. (1) If it shall at any time during any year appear to the corporation, upon the representation of the standing committee, that, notwithstanding any reduction of budget grants that may have been made under section 169, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget

estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees under General Account—Revenue, it shall be incumbent on the corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees under General Account—Revenue at the close of the year.

(2) Whenever the corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in Chapter V.

(Chapter VII—Water Supply, Lighting and Drainage)

PART IV.

Public Health, Safety and Convenience.

CHAPTER VII.

WATER SUPPLY, LIGHTING AND DRAINAGE.

Public Water-Supply.

Vesting of works in corporation.

171. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the Government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials and other things connected therewith and all land (not being private property or property vested in the Government) adjacent and appertaining to the same, shall vest in the corporation and be subject to its control.

Construction of water works.

172. (1) The corporation may, with the sanction of the Government, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

(2) The corporation may cause existing works for the supply of water to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Provision of gratuitous supply of drinking water.

173. (1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

Trespass on water-supply premises.

174. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the

corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

Prohibition of building over water mains.

175. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-Supply.

Control over house-connections.

176. All house-connections, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with bye-laws made in that behalf.

Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply.

177. (1) The commissioner may on application by the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for domestic consumption and use:

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than sixty rupees.

(2) Whenever it appears to the commissioner that any dwelling house assessed at an annual value of not less than sixty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws.

(3) It shall not be lawful for the owner of any dwelling house assessed at an annual value of not less than sixty

rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) Where on any land there are two or more superstructures, the annual value of each of which is less than sixty rupees and the owner of the land is not the owner of all the superstructures, the commissioner may, if it appears to him that the superstructures are without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of any such superstructure, by notice require the owner of the land to obtain such supply.

(5) For all water supplied under this section in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose,

(*e*) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom,

(*f*) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates,

(*g*) for the consumption and use of persons resorting to theatres and cinemas, or

(*h*) for washing vehicles where they are kept for sale or hire,

but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths.

Private Water-Supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

178. (1) The commissioner may, with the sanction of the standing committee, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1), payment shall be made at such rates, and such conditions shall be imposed, as may be laid down by the standing committee by general or special order and the amount shall be recoverable in the same manner as the property tax.

Supply in special cases.

Supply to local authorities.

179. The corporation may supply any other local authority whether within or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the corporation, subject to appeal in respect of such terms to the Government whose decision shall be final.

Cost of making the connection, etc.

Cost of making house-connection and of meter.

180. (1) Where an owner or occupier applies for a connection for the supply of water, he shall pay the cost of making such connection as well as the cost of the meter, if any, and the charge for fixing it.

(2) Where a connection for the supply of water is made at the instance of the commissioner, he may require the owner or occupier concerned to pay—

(*a*) the cost of making the connection;

(*b*) the cost of the meter, if any, or such rent in respect thereof as may be fixed by the corporation; and

(*c*) the charge for fixing the meter, if any.

(3) Where at the instance of the commissioner a meter is fixed to any connection for the supply of water, he may require the owner or occupier concerned to pay—

(*a*) the cost of the meter or such rent in respect thereof as may be fixed by the corporation; and

(*b*) the charge for fixing the meter.

(4) All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax.

(5) Where an occupier has paid the cost of a meter or fixing the same, he shall, unless the meter has been fixed as part of a connection for which he has applied, be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Cutting off Water-Supply.

Power to cut off water-supply.

181. (1) The commissioner may cut off the supply of corporation water from any premises—

(*a*) if the premises are unoccupied;

(*b*) if a meter is not fixed to the service connection of the premises in accordance with the provisions of the bye-laws made by the corporation under section 367;

(*c*) if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the commissioner within the period specified therein;

(*d*) if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented;

(*e*) if after receipt of a notice from the commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Act;

(*f*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;

(*g*) if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;

(*h*) if any pipes, taps, works or fittings connected with the water-supply are found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;

(*i*) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws:

Provided that in cases falling under clause (*f*), (*g*), (*h*) or (*i*) the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) (*a*) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (*d*) of sub-section (1), except water-tax.

(*b*) The sums referred to in clause (*a*) shall be a charge on the premises.

(3) The expense of cutting off the supply shall be paid by the owner and occupier of the premises jointly and severally.

(4) In cases under clause (*d*) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the water-works.

(5) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of corporation when supply reduced or not made in certain cases.

182. The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

Provision of lighting public street, etc.

183. The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil or such other illuminant as the corporation may determine.

Public Drainage.

Vesting of drains in corporation.

184. All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

185. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

Private Drainage.

Control over house drains, privies and cess pools.

186. All house-drains whether within or without the premises to which they belong, and all private latrines and cess-pools within the city shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with bye-laws framed by the corporation in this behalf.

Connection of house drains with public drains.

187. (1) The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the bye-laws, for the connection, if practicable, of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest

point on any premises, the commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and to execute all such works as may be necessary in accordance with the bye-laws at such owner's expense.

(3) If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the corporation for the discharge of drainage, the commissioner may by notice direct the owner of the said premises to construct a closed cess-pool or other sewage disposal plant of such material, dimensions and description in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the bye-laws.

(4) It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.

Commissioner's power to drain premises in combination.

188. (1) When the commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately the commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the commissioner to be best suited therefor and the expenses incurred by the commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit and shall be recoverable in the same manner as the property tax.

(2) Not less than fifteen days before any work under this section is commenced, the commissioner shall give written notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Commissioner's power to close or limit the use of existing private drains,

189. (1) Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adopted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee may,—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(*b*) direct that such drain shall, from such date as he fixes in this behalf, be used to sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (*a*) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

Building, etc., not to be erected without permission over drains.

190. (1) Without the permission of the commissioner no person shall place or construct any fence, building, culvert, pipe, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any

public drain or stop up, divert, obstruct or in any way interefere with any public drain whether it passes through public or private ground.

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 411.

Construction of culverts by owner or occupier.

191. (1) The commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain-coverings shall be of such form and size and consist of such materials and be provided with such means of ventilation as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

Maintenance of troughs and pipes for catching water.

192. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the commissioner, put up and henceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the commissioner may allow.

Public Latrines.

Provision of public latrines.

193. The corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Licensing of public latrines.

194. (1) The commissioner may license for any period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

(Chapter VII—Water-Supply, Lighting and Drainage)

Private Latrines.

Provision of latrines by owner or occupier.

195. (1) The commissioner may, by notice, require the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.

Provision of latrines and urinals for labourers.

196. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed flush-out or other latrines of such description and number as the commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cart-stands, and cattle-stands.

197. The commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway station, or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex flush-out or other latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

198. All flush-out or other latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.

199. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same :

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person :

Provided further that the commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

200. (1) No person shall, without the permission of the commissioner, make any connection with any municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.

(2) The commissioner may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

201. If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, with the sanction of the Government and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level thereof;

(*Chapter VII—Water Supply, Lighting and Drainage : Chapter VIII—Scavenging*)

Power of corporation in respect of works outside the city.

202. (1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Government.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the city sanctioned by the Government whether before or after the passing of this Act, exercise all the powers which they may exercise within the city throughout the line of country through which conduits, channels, pipes, lines of posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one mile beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.

CHAPTER VIII.

SCAVENGING.

Provision for removal of rubbish and filth.

203. (1) The commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish, and filth and for the final disposal of rubbish, filth and carcasses of animals ;

(ii) provide dust-bins for the temporary deposit of rubbish ;

(iii) provide vehicles or other suitable means for the removal of rubbish and carcasses of animals ; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

Public notice ordering deposit of rubbish filth by occupier.

204. (1) The commissioner may, with the previous sanction of the standing committee, by public notice, direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice

shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises.

205. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 204, the commissioner may—

(*a*) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 203; or

(*b*) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (*a*).

Provisions for daily cleaning of streets and removal of rubbish and filth.

206. The commissioner shall provide—

(*a*) for the daily surface-cleanings of all public streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed

by him under section 203 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 204.

Rights of property of corporation in things deposited in receptacles.

207. All things deposited in depots or places provided or appointed under section 203 shall be the property of the corporation.

Directions as to removal of rubbish and filth.

208. In cases not provided for by any notice issued under section 205, the commissioner shall, with the sanction of the standing committee, lay down—

(*a*) the hours within which rubbish and filth may be removed, and

(*b*) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(*c*) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

209. The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

Preparation of compost manure from rubbish and filth.

[1][**209-A.** The corporation shall, if so required by the State Government, make provision for the preparation of compost manure from rubbish and filth.]

Prohibition against accumulation of rubbish or filth on premises.

210. (1) No person who is bound by any notice issued under section 204 or section 205, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

Prohibition against irregular methods of depositing rubbish or filth.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 204 or section 205 as the case may be.

1. Inserted by Act XVII of 1950.

Prohibition of improper disposal of carcasses, rubbish and filth.

(3) No person shall, after due provision has been made under sections 203 and 206 for the deposit and removal of the same—

(*a*) deposit the carcasses of animals, rubbish or filth in any street or on the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank; or

(*b*) deposit filth or carcasses of animals in any dustbin or in any vehicle not intended for the removal of the same; or

(*c*) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

Prohibition against keeping rubbish or filth for more than twenty-four hours or in unauthorized place or manner.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner, or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleansing of any latrine on or belonging to the premises.

Prohibition against allowing sewage to flow in streets.

(5) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Contribution from persons having control over places of pilgrimage, etc.

211. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person

having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the Government may determine.

CHAPTER IX.

STREETS.

Public Streets.

Vesting of public streets and their appurtenances in corporation.

212. (1) All public streets in the city not reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements, and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The Government may after consulting the corporation by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

Maintenance and repair of streets.

213. The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

214. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV—

(*a*) lay out and make new public streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the special sanction of the corporation and the Government, permanently close any public street or part thereof;

(*d*) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers, of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.

Power to dispose of permanently closed streets.

215. (1) When any public street is permanently closed under section 214, the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

216. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV, acquire—

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land ;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the corporation may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (*b*), may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

217. The standing committee may—

(*a*) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment;

(*b*) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the official Gazette, and also special notice thereof, signed by the commissioner, has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

Restrictions on erection of or addition to buildings within street alignment or building line.

218. (1) No person shall construct any portion of any building within a street alignment defined under section 217, provided, however, that the commissioner may in his discretion permit additions to a building to be made with a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

(*a*) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(*b*) to pay the expenses of such removal :

Provided that the commissioner shall, in every case in which he gives permission, report his reasons, in writing, to the standing committee.

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 217 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 217 except with the permission of the commissioner, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

Setting back projecting buildings or walls.

219. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 217, the commissioner may, whenever it is proposed—

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the street alignment; in the order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation:—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

Setting forward buildings to improve line of street.

220. The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation:—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

Projected streets.

221. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provisions of section 219 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets.

222. The commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any works connected with drainage, water-supply or lighting or any of the purposes specified in schedule III :

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

223. It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Power of the corporation to recover expenses caused by extraordinary traffic.

224. When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon, the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid :

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

Private Streets.

Owner's obligation to make a street when disposing of land as building sites.

225. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

(*Chapter IX—Streets*)

Making of new private streets.

226. (1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely :—

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall either sanction the making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information;

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

(6) If the standing committee does not refuse sanction within sixty days from the receipt of the application under sub-section (1) or from the receipt of all the information asked for under sub-section (5), such sanction shall be deemed to have been given and the applicant may proceed to make the street, but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

Alteration or demolition of street made in breach of section 222.

227. (1) If any person lays out or makes any street referred to in section 226, without or otherwise than in conformity with the orders of the standing committee, the commissioner may, whether or not the offender be prosecuted under this Act, by notice,—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.

Power of commissioner to order work to be carried out or to carry it out himself in default.

228. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the commissioner, he may by notice require the owners of such street or part and the owners of buildings and lands fronting

or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the commissioner.

Right of owners to require streets to be declared public.

229. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 228 such street, shall on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

Encroachments of Streets.

Prohibition against obstructions in streets.

230. No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

231. (1) No door, gate, bar or ground-floor window shall, without a licence from the commissioner, be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments.

232. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less

than thirty years, for a period of thirty years), or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

233. (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,—

(*a*) to put up or continue to have verandahs, balconies, sun-shades, weather-frames and the like, to project over a street, or

(*b*) in streets in which the construction of arcades has been sanctioned by the council to put up or continue to have an arcade, or

(*c*) to construct any step or drain-covering necessary for access to the premises.

(2) With the concurrence of the Superintendent of Police, the commissioner may grant a licence subject to such conditions and restrictions as he may think fit, for any temporary construction in any street or in any public place the control of which is vested in the corporation.

(3) No licence shall be granted under sub-section (1), if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the commissioner may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 411 from the person to whom the licence was granted.

Precautions during repair of streets.

234. (1) The commissioner shall, so far as is practicable, during the construction or repair of any street, drain or premises vested in the corporation,—

or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the commissioner.

Right of owners to require streets to be declared public.

229. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 228 such street, shall on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

Encroachments of Streets.

Prohibition against obstructions in streets.

230. No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

231. (1) No door, gate, bar or ground-floor window shall, without a licence from the commissioner, be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments.

232. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.

Prohibition against removal of bars and lights.

235. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 234.

Making holes and causing obstruction.

236. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner, and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by written order allow, clear the street of such obstruction.

Licence for work on buildings likely to cause obstruction.

237. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner in that behalf and shall also—

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents during such time as the public safety or convenience requires.

Naming Streets and Numbering Buildings.

Naming or numbering of public streets.

238. (1) The corporation shall give names or numbers to new public streets and may, subject to the approval of the Government, alter the name or number of any public street.

(2) The commissioner shall cause to be put up or painted on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or number or put up any name or number different from that put up by order of the commissioner.

Numbering of buildings.

239. (1) The commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced ; and if he fails to do so, the commissioner may by notice require him to replace it.

CHAPTER X.

BUILDING REGULATIONS.

General Powers.

Building rules.

240. (1) With the approval of the Government the corporation may make bye-laws—

(*a*) for the regulation or restriction of the use of sites for buildings, and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), bye-laws made under that clause may provide —

(*a*) that no insanitary or dangerous site shall be used for building, and

(*b*) for the regulation or restriction of the construction of buildings intended for public worship on sites.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), bye-laws made under that clause may provide for the following matters :—

(*a*) information and plans to be submitted together with applications for permission to build ;

(*b*) height of buildings, whether absolute or relative to the width of streets ;

(*c*) level and width of foundation, level of lowest floor and stability of structure ;

(*d*) number and height of storeys composing a building and height of rooms ;

(*e*) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(*f*) provision of means of egress in case of fire ;

(*g*) provision of secondary means of access for the removal of house refuse ;

(*h*) materials and methods of construction of external and party walls, roofs and floors ;

(*i*) position, materials and methods of construction of hearths, smoke escapes, chimneys, stair cases, latrines, drains, cesspools ;

(*j*) paving of yards ;

(*k*) restrictions on the use of inflammable materials in building ;

(*l*) in the case of wells, dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or bye-laws

made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.

241. (1) The corporation may give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities, specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, ware-houses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

Building at corner of streets.

242. (1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflammable materials for buildings, etc., without permission.

243. (1) No external roof, verandah, pendal or wall of a building and no shed or fence shall be constructed or re-constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the commissioner, nor shall any such roof, verandah, pendal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permissison.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

Buildings other than Huts.

Application to construct or re-construct building.

244. (1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

an application in writing for permission to execute the work together with a site plan of the land, ground-plan, elevations and sections of the building and a specification of the work.

Explanation: - 'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such a manner as may be required under rules or bye-laws.

Prohibition against commencement of work without permission.

245. The construction or re-construction of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

Period within which commissioner is to grant or refuse to grant permission to execute work.

246. Within thirty days after the receipt of any application made under section 244 for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws the commissioner shall, by written order, either grant such

permission or refuse on one or more of the grounds mentioned in section 248 or section 249 to grant it.

Reference to standing committee if commissioner delays grant or refusal of approval or permission.

247. (1) If, within the period laid down in section 246, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

Grounds on which approval of site for, or licence to construct building may be refused.

248. The only grounds on which approval of a site for she construction or re-construction of a building or permistion to construct or re-construct a building may be refused, are the following, namely:—

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(3) that any of the documents referred to in section 24; have not been signed as required under rules or bye-laws

(4) that any information or documents required by the commissioner under the rules or bye-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 225;

(6) that the proposed building would be an encroachment upon Government or municipal land;

(7) that the site of such building does not abut on a street or a projected street, and there is not access to such

building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.

Whenever the commissioner or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building the reasons for such refusal shall be specially stated in the order.

Special powers for suspending permission to construct buildings.

249. Notwithstanding anything contained in section 248 if any street shown in the site-plan is an intended private street, the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

Lapse of permission if not acted upon within one year.

250. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Inspection by commissioner.

251. The commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 107.

Power of commissioner to require alteration of work.

252. (1) If the commissioner finds that the work—

(*a*) is otherwise than in accordance with the plans or specifications which have been approved, or

(*b*) contravenes any of the provisions of this Act or any rule, bye-law, order or declaration made under this Act, he may by notice require the owner of the building within a period stated either—

(i) to show cause why such alterations should not be made, or

(ii) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the commissioner shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

253. Notwithstanding anything contained in any of the preceding sections the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

254. In sections 244 to 253 the word 'building' does not include a hut.

Wells.

Application of certain sections to wells.

255. The provisions of sections 244, 245, 250, 251, 252 and 253 shall, so far as may be, apply to wells.

Huts.

Application to construct or re-construct huts.

256. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner—

(*a*) an application in writing for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and a plan shall contain the particulars and be prepared in the manner required under rules or bye-laws.

Prohibition against commencement of work without permission.

257. The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 256.

Period within which commissioner is to grant or refuse to grant permission to execute the work.

258. Within fourteen days after the receipt of any application made under section 256 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or bye-laws, the commissioner, shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 260 to grant it.

(*Chapter X—Building Regulations*)

Reference to standing committee if commissioner delays to grant permission.

259. (1) If within the period laid down in section 258, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from receipt of such written request determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

Grounds on which permission to construct or re-construct hut may be refused.

260. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely :—

(1) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, bye-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(3) that any information or plan required by the commissioner under rules or bye-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 225;

(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted; or

(6) that the proposed hut would be an encroachment upon Government or Municipal land.

Whenever the commissioner or standing committee refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

261. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External Walls, Alterations and Additions.

Maintenance of external walls in repair.

262. The owner or occupier of any buildings adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

Application of provisions to alterations and additions.

263. (1) The provisions of this chapter and of any rules or bye-laws made under this Act relating to construction and re-construction of the buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

Powers of Commissioner.

Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed.

264. (1) If the commissioner is satisfied—

(i) that the construction or re-construction of any building or well—

(*a*) has been commenced without obtaining the permission of the commissioner or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(Chapter X—Building Regulations; Chapter XI—Nuisances.)

(*c*) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws, or

(ii) that any alterations required by any notice issued under section 252 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose into, or upon any building, has been commenced or is being carried on or has been completed in breach of section 263,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, bye-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order, with any modification he may think fit to make and such order shall then be binding on the owner.

CHAPTER XI.

NUISANCES.

Dangerous Structures, Trees and Places.

Precautions in case of dangerous structures.

265. (1) If any structure be deemed by the commissioner to be in ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures, the commissioner may, by notice, require the owner or occupier to fence off,

take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 411.

(3) If in the commissioner's opinion the said structure is imminently dangerous to the inmate thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

266. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person or any structure, the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 411.

Precautions in case of dangerous tanks, wells, holes, etc.

267. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall

be recoverable from the owner in the manner provided in section 411.

Precaution against fire.

268. (1) The commissioner may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pendal, fence or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

(2) The commissioner may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the commissioner is of opinion that the means of egress from any structure are insufficient to allow of safe exit in the event of fire, he may with the sanction of the standing committee by notice require the owner or occupier of the structure to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passage and staircases leading to the exits shall, during the presence of the public, be kept clear of obstructions.

Control over Water, etc.

Prohibition of construction of wells, tanks, etc., without the commissioner's permission.

269. (1) No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.

(2) The commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the commissioner may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct, or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

270. If in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.

271. (1) If in the opinion of the commissioner—

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water, or

(*b*) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may, by notice, require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosene oil, drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition,

the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 404 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.

272. (1) The commissioner may by notice require the owner of or person having control over any private watercourse, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as

the case may be is proved to the satisfaction of the commissioner to be unfit for that purpose, the commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of commissioner in respect of public well or receptacle of stagnant water.

273. If it appears to the commissioner, that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained or filled up.

Prohibition against contaminating water supply.

274. It shall not be lawful for any person to—

(*a*) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation, or by the owner thereof, for drinking purposes;

(*b*) wash or cause any animal or thing to be washed in any such place;

(*c*) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or corrupted; or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything, to be brought thereunto or do anything, whereby the water may be fouled or corrupted.

Control over Abandoned Lands, Untrimmed Hedges, etc.

Untenanted buildings or lands.

275. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the commissioner becomes a nuisance, the commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

276. The commissioner may by notice require the owner or occupier of any building or land (which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood), to

cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Abatement of nuisance from dust, smoke, etc.

277. If in the opinion of the commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

Fencing of buildings or lands and pruning of hedges and trees.

278. The commissioner may by notice require the owner or occupier of any building or land near a public street to—

(*a*) fence the same to the satisfaction of the commissioner; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the commissioner may determine; or

(*c*) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over Insanitary Buildings.

Limewashing and cleansing buildings.

279. The commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings.

280. (1) Whenever the commissioner considers—

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings, or at his option the owners of the land occupied by such buildings or portions of buildings to execute, such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Building unfit for human habitation.

281. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the commissioner to be unfit for human habitation, he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision, to that effect, with the grounds of the decision, and the commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the

purpose of giving the owner an opportunity of executing the necessary works.

Abatement of crowding in dwelling-house or dwelling place.

282. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate, to abate such overcrowding; and the magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for such occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

Power of commissioner to use or sell materials of dangerous building taken down, etc.

283. (1) When the Commissioner takes down any building part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this Chapter or under section 404, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(*Chapter XI—Nuisances; Chapter XII—Licences and Fees*)

(2) If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this Chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

Limitation of compensation.

284. No person shall be entitled save as provided in sections 271 and 280 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this Chapter.

CHAPTER XII.

LICENCES AND FEES.

General Provision as to Licences.

Exemption of Government from taking out licences.

285. Nothing in this Chapter shall be construed as requiring the Government to take out a licence in respect of any place in the occupation or under the Control of His Highness the Maharaja or the Government or in respect of any property belonging to His Highness the Maharaja or the Government.

Lodging Houses.

Prohibition in respect of lodging houses.

286. (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Explanation.—" Lodging house " means a hotel, boarding house, choultry, or rest-house other than a choultry or rest-house maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment, but does not include a students' hostel under public or recognized control.

(2) The commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisons of any bye-law made under section 367 relating to such premises whether or not the licensee is prosecuted under this Act

Keeping of Animals and Birds.

Prohibition in respect of keeping animals and birds and feeding animals.

287. No person shall—

(*a*) without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(*b*) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Destruction of stray pigs and dogs.

288. If any dogs not taxed under section 117 or pigs, are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the commissioner.

Licences for places in which animals are kept.

289. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the commissioner for a licence.

(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence; use any place or allow any place to be used for any such purpose.

General powers of control over stables, cattle-sheds and cow-houses.

290. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the commissioner as regards their site, construction, material and dimensions.

(2) The commissioner may, by notice, require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of

its being sufficiently cleaned or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

291. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the commissioner may, by notice, direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Halting Places, Cart-stands, etc.

Provision of halting places, cart-stands, etc.

292. (1) The commissioner may construct or provide public halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944, and animals.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in Kannada and English in a conspicuous part thereof.

(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

Prohibition of use of public place or sides of public street as cart-stand, etc.

293. Where the commissioner has provided a public halting place, cart-stand, cattle-shed or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.

Recovery of cart-stand fees, etc.

294. (1) If the fee leviable under sub-section (1) of section 292 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle, or

animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle, or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorised to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in public auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connection with the seizure, detention and proposed sale is tendered to the commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of—

(*i*) the amount due on account of the fee;

(*ii*) such penalty not exceeding the amount of the fee as the commissioner may direct; and

(*iii*) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.

Licence for private cart-stand.

295. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the commissioner a licence to do so.

(2) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought

not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion, as regards new private cart-stands, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled, or modified under this section, the commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and Kannada, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum:

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

Carcasses of Animals.

296. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

Removal carcasses animals.

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

Industries and Factories.

Purposes for which places within the limits of the City or within three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.

297. (1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule V without a licence obtained from the commissioner, and except in accordance with the conditions specified therein.

(2) The commissioner shall, if so required by the corporation, publish a notification in the official Gazette and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule V without a licence obtained from the commissioner and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor ; and

(*b*) until the expiry of thirty days from the date of its publication in the official Gazette.

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the official Gazette, as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

(5) The commissioner may grant such licence subject to such restrictions and regulations as may be specified by him thereon or he may refuse to grant such licence.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

298. (1) (*a*) Every person intending to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power, water-power ; or other mechanical power or electric power, or

(*b*) to instal in any premises any machinery or manufacturing plant driven by steam, water, electric or other power as aforesaid,

shall before beginning such construction, establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by—

(*a*) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

(*b*) such particulars as to the power, machinery, plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The commissioner shall, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(*b*) refuse permission if he is of opinion that such construction establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause nuisance.

(4) Before granting permission under sub-section (3), the commissioner—

(*a*) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the inspector of factories appointed under the Mysore Factories Act, 1936, having jurisdiction of the city or if there is more than one such inspector, of the inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits, to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the Government, and

(*b*) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place

or premises, unless the permission granted in respect thereof under sub-section (3) authorises such employment or unless fresh permission authorising such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall obtain the approval of the inspector of factories, referred to in clause (*a*) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of sections 244 and 245 or sections 256 and 257 as the case may be.

Explanation.—The word "worker" in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Mysore Factories Act, 1936.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

299. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may—

(*a*) prohibit the use of the particular kind of fuel; or

(*b*) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 P. M. and 6 A. M. or during any particular time or times between such hours.

Power of commissioner to require owner of factory, workshop, etc., to put up and maintain the factory, workshop, etc., in a cleanly state.

300. Whenever it shall appear to the commissioner that any factory, workshop, work-place or any building or place in which steam, water, or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the commissioner is a nuisance or is

so overcrowded while work is carried on as to be dangerous or injurious in the opinion of the commissioner to the health of the persons employed therein, or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to take such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other building or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Explanation.—Nothing in this section shall be deemed to affect any of the provisions of the Steam Boilers and Prime Movers Act, 1920, or the Indian Boilers Act, 1923, as the case may be, or to authorise the commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Mysore Factories Act, 1936, are applicable.

Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

301. Whenever it shall appear to the commissioner that any factory, workshop or work-place or any building or any place in which steam, water or other mechancial or electric power is employed, is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

Commissioner may enter any factory, workshop or work-place.

302. (1) The commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place —

(*a*) at any time between sunrise and sunset,

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(*b*) at any time when any industry is being carried on, and

(*c*) at any time by day or night if he has reason to believe that any offence is being committed against sections 298, 299, 300 or 301.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.

Power of Government to pass orders or give directions to commissioner.

303. The Government may either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under sections 298, 299, 300 or 301.

Washing and Bathing.

Provision of places for bathing and for washing animals.

304. The corporation shall set apart places for use by the public for bathing purposes and for washing animals.

Provision of public bathing houses, wash-houses, etc.

305. (1) The commissioner may construct or provide and maintain public bathing-houses, public wash-houses or places for the washing of clothes, and may charge and levy such rents and fees for the use of any such bathing-house, wash-house or place as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1) the commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from

such diseases shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that behalf.

Prohibition against washing by washermen at unauthorised places.

306. (1) The commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 305; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself, or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house, or place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

Provision of municipal slaughter-houses.

307. (1) The corporation shall provide a sufficient number of places for use as municipal slaughter-houses and the commissioner may charge and levy such rents and fees for their use as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within, or with the sanction of the Government, without the city.

Licence for slaughter-houses.

308. (1) The owner of any place within the limits of the city or at a distance within three miles of such limits which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of carcasses

shall, not less than thirty days bofore the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the commissioner for a licence :

Provided that this sub-section shall not take effect in any area outside the limits of the city except with the previous sanction of the Government.

(2) The commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection, as he thinks fit, grant or refuse to grant such licence.

Slaughter of animals during festivals and ceremonies.

309. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food.

310. No person shall slaughter within the city except in a municipal or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a licence from the commissioner, or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Markets, Butchers' Shops, etc.

Public markets.

311. All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

Power of municipal authorities in respect of public markets.

312. (1) The corporation may provide places for use as public markets.

(2) The commissioner may, in any public market, charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit—

(*a*) fees for the use of, or for the right to expose goods for sale, in such markets ;

(*b*) fees for the use of shops, stalls, pens or stands in such markets ;

(*c*) fees on vehicles or pack-animals carrying or on persons bringing goods for sale in such markets;

(*d*) fees on animals brought for sale into, or sold in, such markets, and

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The corporation may, with the sanction of the Government, close any public market or part thereof.

Commissioner's control over public markets.

313. (1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 321 or in any bye-law made under section 367 or who commits defaults in payment of the fees leviable under section 312 may after three clear days' notice be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 312 and expenses, if any, which the corporation may incur in such removal.

Establishment of private markets.

314. (1) The corporation shall determine whether the establishment of new private markets for the sale of, or for the purpose of exposing for sale, animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

(2) (*a*) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner with the sanction of the standing committee which shall be guided in giving or refusing sanction, by the resolutions of the council passed under sub-section (1).

(*b*) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a market.

Licensing private markets.

315. (1) No person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made not less than thirty days before the commencement of the year for which licence is sought.

(2) The commissioner may, by an order, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 322 or some bye-law made under section 367, or without the approval of the standing committee.

(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in Kannada language in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and Kannada in some conspicuous place at or near the entrance to the premises.

Period of licence.

316. Every licence granted under section 314 or section 315 shall expire at the end of the year for which it is granted.

Licence fee for private m rkets.

317. When a licence granted under section 315 permits the levy of any fee or fees of the nature specified in

sub-section (2) of section 312, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.

Sale in unlicensed private market

318. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of commissioner in respect of private markets.

319. The commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrine of such description and in such position and number as the commissioner may think fit;

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the commissioner secure imperviousness and ready cleansing;

(*c*) ventilate and light it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls, and make such alterations in the stalls, passages, shops, doors or other parts of the market as the commissioner may direct; and

(*e*) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

320. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 319 the commissioner may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

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Power of commissioner to make regulations for markets, bazaars, slaughter-houses and places set apart for sacrifice of animals.

321. The commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act, or of any bye-law made under section 367,

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 309 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(*f*) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Acquisition of rights of private persons to hold private markets.

322. (1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Mysore Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

Duty of expelling lepers, etc., from markets and power to expel disturbers.

323. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease

who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's, fishmonger's and poulterer's licence.

324. (1) No person shall without or otherwise than in conformity with a licence from the commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh, fish or poultry intended for human food—

(*a*) in any place within the limits of the city, or

(*b*) in any place within three miles of such limits and not included in any municipality constituted under the Mysore Town Municipalities Act, 1933:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermitically sealed receptacles.

(2) The commissioner may by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.

Power to prohibit or regulate sale of animals, birds or articles in public streets.

325. The commissioner may, with the sanction of the standing committee prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

326. If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

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Inspection of places for sale, etc.

Duty of commissioner to inspect.

327. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Power of commissioner for purposes of inspection.

328. (1) The commissioner or any person authorised by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by commissioner.

329. No person shall in any manner whatsoever obstruct the commissioner or person duly authorised by him in the exercise of his power under the last preceding section.

Power of commissioner to seize diseased animal, noxious food, etc.

330. If it appears to the commissioner or a person duly authorised by him—

(*a*) that any animal, poultry or fish intended for food is diseased,

(*b*) that any article of food is noxious, or

(*c*) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

331. No person shall remove or in any way interfere with anything secured under the last preceding section.

Power to destroy articles seized.

332. (1) When any animal, poultry, fish or other article of food (or any utensil or vessel) seized under section 330, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

Production of articles, etc. seized, before magistrate and powers of magistrate to deal with them.

333. (1) Articles of food, animals, poultry, fish, utensils or vessels, seized under section 330 and not destroyed under section 332 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code as in force in Mysore or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any

such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 330 he may order the same,

(*a*) to be forfeited to the corporation,

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead.

Registration or closing of ownerless places for disposal of dead.

334. If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the corporation, close it.

Licensing of places for disposal of dead.

335. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of the corporation,

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

336. (1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within or with the sanction of the Government without the limits of the city and may charge and levy rents and fees for the use thereof.

(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and

all bye-laws framed under this Act for the management of such places within the city shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such place were within municipal limits.

Register of registered, licensed and provided places and prohibition of use of other places.

337. (1) A book shall be kept at the municipal office in which the places registered, licensed or provided under section 334, section 335 or section 336 and all such places registered, licensed, or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

(5) Where a magistrate on a complaint preferred by the commissioner, or otherwise is satisfied that a corpse has been buried in a place which has not been registered, licensed or provided as aforesaid, he may direct the exhumation of the corpse and its burial in an authorised place.

Report of burials and burnings.

338. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the commissioner in that behalf.

Prohibition against making of vault or grave in place of worship.

339. No person shall make a vault or grave, or cause any corpse to be buried within the walls or underneath any place of public worship:

Provided that the commissioner may, subject to the general or special orders of the Government, authorise the making of a vault or grave within the precincts of or underneath any place of public worship and the burial of priests or religious ministers in such vault or grave, or in an existing vault or grave.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

340. (1) If the commissioner is of opinion—

(*a*) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the corporation or by the Government is in such a state or situation as to be or to be likely to become dangerous to health of persons living in the neighbourhood thereof; or

(*b*) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may with the consent of the corporation and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in Kannada shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the commissioner.

Prohibition in respect of corpses.

341. No person shall—

(*a*) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or

(*b*) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave; or

(*c*) without the sanction, in writing, of the commissioner or an order, in writing, of a magistrate reopen a grave already occupied; or

(*d*) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or burning of the same to

commence within six hours after its arrival at such place ; or

(*e*) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing to remain without being completely reduced to ashes ; or

(*f*) carry through any street a corpse or part thereof not decently covered ; or

(*g*) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever ; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

Fencing, etc., of private burial ground.

342. The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the commissioner.

Grave-digger's licence.

343. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the commissioner.

CHAPTER XIII.

VITAL STATISTICS AND THE PREVENTION OF DISEASES.

Vital Statistics.

Compulsory registration of vital statistics.

344. (1) The corporation shall register all births and deaths occurring in the city.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

Dangerous Diseases.

Power to notify "Dangerous disease."

345. The Government may, by notification, declare any epidemic, endemic or infectious disease [not already specified in sub-clause (*a*) of section 3, clause (15)] to be a "dangerous disease" for the purpose of this Act.

(Chapter XIII—Vital Statistics and the Prevention af Diseases)

Obligation of medical practitioner or owner or occupier to report dangerous disease.

346. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the commissioner, the health officer, or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

Explanation.—Sub-sections (1) and (2) shall apply to a *hakim* or a *vaidya*.

Power of entry into suspected places.

347. The commissioner or health officer may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

Prevention of Infection.

Provision of conveyances for carriage of patients.

348. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Powers to order removal of patients to hospital.

349. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease, or if, in the case of any other person, it appears to the health officer or assistant health officer (whether on a certificate signed by a medical

practitioner registered under the Mysore Medical Registration Act, 1931, or otherwise) that such person is suffering from a dangerous disease, and

(*a*) is without proper lodging or accommodation, or

(*b*) is lodged in a place occupied by more than one family, or

(*c*) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public be removed to any hospital or place under sub-section (1),

(*a*) the removal shall be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place; and

(*c*) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code as in force in Mysore.

Disinfection of buildings and articles.

350. (1) If the commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may, by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the commissioner or health officer may himself without notice cause such building, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner or health officer shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner or health officer, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

351. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Provision of places for disinfection and power to destroy infected articles.

352. (1) The commissioner may—

(*a*) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, of clothing, bedding, or other articles which have been exposed to infection from any dangerous disease, and

(*b*) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The commissioner shall from time to time notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no

person shall wash or disinfect any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding, or other article likely to retain infection from any dangerous disease to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

353. No person shall, without previously disinfecting it give, lend, let, hire, sell, transmit, or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against infected person carrying on occupation.

354. If any person knows or has been certified by the health officer, a medical officer in the service of the Government or of the corporation or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is suffering from a dangerous disease he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.

Prohibition against diseased person entering public conveyance.

355. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance, the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before

the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

Disinfection of public conveyance after carriage of patient.

356. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

357. (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

Power to order closure of places of public entertainment.

358. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school.

359. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk or communicating such disease to others.

Provision as to library books.

360. (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation.—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

Power of commissioner to prohibit use of water likely to spread infection.

361. If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the commissioner may by public notice prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

Small-pox.

Compulsory vaccination.

362. The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce re-vaccination throughout the city or in any part thereof, in respect of such persons, to such extent and in such manner as may be prescribed.

Obligation to give information of small-pox.

363. Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform

the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division with the least practicable delay.

Prohibition of inoculation for small-pox.

364. (1) Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the corporation may authorize to grant such certificates stating that such person is no longer likely to produce small-pox by contact or near approach.

PART V.

Subsidiary Legislation and Penalties.

CHAPTER XIV.

RULES, BYE-LAWS AND REGULATIONS.

Rules and Schedules.

Power of Government to make rules.

365. (1) The Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) provide for all matters expressly required or allowed by this Act to be prescribed;

(*b*) regulate or prohibit the moving of any resolution or the making of any motion on, or the discussion of any matter unconnected with the municipal administration;

(*c*) prescribe the accounts to be kept by the corporation the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(*d*) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent;

(*e*) regulate the sharing between local authorities in Mysore of the proceeds of the profession tax, tax on carriages and animals, tax on carts and other taxes or income levied or obtained under this or any other Act;

(*f*) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and

(*g*) prescribe the form of warrant under Rule 30 of Schedule III and the form of notice of sale under Rule 32 of the same schedule.

(3) The Government may make rules altering, adding to, or cancelling any of Schedules to this Act except Schedules I, VI and VII.

(4) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Making of rules after previous publication.

366. The power to make rules under section 365 and the power to issue notifications under section 48 are subject to the following conditions :—

(*a*) A draft of the rules or notification shall be published in the official Gazette and forwarded to the corporation for its opinion.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(*c*) All rules made under section 365 shall be published in the official Gazette and upon such publication shall have effect as if enacted in this Act.

Bye-laws.

Power to make bye-laws.

367. The corporation may make bye-laws, not inconsistent with this Act or with any other law to provide—

(1) for all matters expressly required or allowed by this Act to be provided for by bye-law;

(2) for the due performance by all municipal officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(4) for determining the conditions under which lands shall be deemed to be appurtenant to building;

(5) (*a*) for the use of public tanks, wells, conduits and other places or works for water-supply;

(*b*) for the regulation of public bathing, washing and the like;

(*c*) for the maintenance and protection of the water-supply system, and the protection of water-supply from contamination;

(*d*) for the terms and conditions on which house connections with the corporation's water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(*e*) for supply of water for domestic consumption and use;

(*f*) for the prevention of waste of water;

(*g*) for the measurement of water;

(*h*) for the compulsory provision of cisterns and meters;

(*i*) for the supply of water in case of fire;

(6) for the maintenance and protection of the lighting system;

(7) (*a*) for the maintenance and protection of the drainage system;

(*b*) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(*c*) for the alteration and repair of house drains;

(*d*) for the cleansing of house drains;

(*e*) for the construction of closed cess-pools and drains;

(*f*) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(8) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(9) (*a*) for the testing of water-pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(*b*) for the licensing of plumbers and fitters and for the compulsory employment of licensed plumbers and fitters;

(10) (*a*) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to lay out streets; and

for regulating the level and width of public streets and the height of buildings abutting thereon;

(*b*) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(*d*) for the protection of avenues, trees, grass and other appurtenances of public streets and other places.

(11) for the regulation of the use of parks, gardens and other public or municipal places;

(12) (*a*) for the regulation of building;

(*b*) for determining the information and plans to be submitted with applications to build;

(*c*) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(13) for the regulation and licensing of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises to which the public are admitted for repose or for the consumption of any food or drink or any place where any food or drink is exposed for sale;

(14) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

(15) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(16) for the sanitary control and supervision of factories and places used for any of the purposes specified in schedule V and of any trade or manufacture carried on therein;

(17) (*a*) for the control and supervison of slaughter-houses and of places used for skinning and cutting up of carcasses;

(*b*) for the control and supervision of the methods of slaughtering;

(*c*) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation;

(18) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller;

(19) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk-trade;

(20) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(21) (*a*) for the inspection of public and private markets and shops and other places therein;

(*b*) for the regulation of their use and the control of their sanitary condition; and

(*c*) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;

(22) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(23) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(24) for the prevention of the sale, or exposure for the sale, of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(25) (*a*) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(*b*) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the corporation;

(*c*) for the verification of deaths and the causes of death;

(*d*) for the period of which corpses must be kept for inspection;

(*e*) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(26) for the registration of births and deaths ;

(27) for the training and licensing of dhais and mid-wives ;

(28) for the prevention of dangerous diseases of men or animals ;

(29) for the enforcement of compulsory vaccination or re-vaccination ;

(30) for the prevention of and out-breaks of fire ;

(31) for the prohibition and regulation of advertisements;

(32) (*a*) for fixing octroi limits and stations ;

(*b*) for the exhibition of tables of octroi, for requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn ;

(*c*) for regulating the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the city ; and

(*d*) for prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made ;

(33) for stopping, abating or controlling any excessive noise whether within or outside a building which may amount to a nuisance ;

(34) in general, for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act.

Power to give retrospective effect to certain bye-laws.

368. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water closets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the passing of the bye-laws or of this Act.

Penalty for breaches of bye-laws.

369. In making any bye-laws under sections 367 and 368 the corporation may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

Confirmation of Bye-laws by Government.

370. No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government.

Condition precedent to making of bye-laws.

371. The power to make bye-laws under this Act is subject to the conditions—

(*a*) that a draft of the proposed bye-law is published in the official Gazette and in the local newspapers;

(*b*) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof in the official Gazette or of such longer period as the corporation may appoint;

(*c*) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(*d*) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the commissioner may fix.

Rules in lieu of Bye-laws.

Power of Government to make rules in lieu of bye-laws.

372. (1) If, in respect of any of the matters specified in section 367, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government adequate, the Government may make rules providing for such matter to such extent as they may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-laws made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this

section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 368, 369 and 371, of the second sentence of sub-section (1) of section 373 and of section 375 shall apply to the rules made under this section as they apply to the bye-laws made under section 367, with the substitution of the word 'Government' for the word 'corporation' in section 369 and clause (*b*) of section 371 and of the word 'Government' for the word 'commissioner' in clause (*d*) of section 371.

(5) Before making any rules under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

Publication of Rules, Bye-laws and Regulations.

Publication of bye-law rules.

373. (1) When any rule or bye law has been made, under this Act, such rule or bye-law shall be published in the official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The Commissioner shall from time to time advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The Commissioner shall publish lists of offences and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

Publication of regulations.

374. Regulations made under this Act shall be published in such manner as the corporation may determine

Exhibition of bye-laws, rules and regulations

375. (1) Printed copies of bye-laws under section 367, clauses (10) (*b*), (*c*), (*d*) and (11) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, bye-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XV.

PENALTIES.

General provision regarding penalties specifi d in the schedules.

376. (1) Whoever—

(*a*) contravenes any provision of any of the sections or rules of this Act specified in the first column of Schedule VI;

(*b*) contravenes any rule or order made under any of the said sections or rules; or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections, or rules;

shall on conviction be punished with the fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule VII; or

(*b*) contravening any rule or order made under any of the said sections or rules; or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second column of Schedules VI and VII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor or alderman when not entitled, etc.

377. (1) If a councillor or an alderman votes in contravention of section 36, or if any person acts as a councillor or an alderman knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction be punished with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as mayor or deputy mayor when not entitled, etc.

(2) If any person acts as or exercises the functions of the mayor or deputy mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions, he shall on conviction be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for failure to hand over documents, etc., by mayor or deputy mayor.

(3) If the mayor or deputy mayor fails to hand over any documents of, or any money or other properties vested in, or belonging to, the corporation, which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as mayor or deputy mayor expires and in the case of the deputy mayor also on demand by the mayor, such mayor or deputy mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for acquisition by municipal officer of interest in contract or work.

378. If the Commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have

committed the offence punishable under section 168 of the Indian Penal Code :

Provided that no person shall, by reason of being a shareholder in, or member of, any company be held to be interested in any contract between such company and the corporation unless he is a director of such company.

Penalty for omission to take out licence for vehicle or animal.

379. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 117 who omits to obtain, within 15 days of the service of a bill on him, a licence under section 123 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 120, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for wilfully preventing distraint.

380. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for unlawful building.

381. If the construction or reconstruction of any building or well—

(*a*) is commenced without the permission of the commissioner, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in contravention of any lawful order or breach of any provision contained in this Act or in any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 252 or section 263 are not duly made, or

if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 264 fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

382. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

Wrongful restraint of commissioner and his delegates.

383. Every person who prevents the commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code as in force in Mysore.

Penalty for not giving information or giving false information.

384. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information–

(*a*) omits to furnish it, or

(*b*) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.

(*Chapter XVI—Procedure and Miscellaneous*)

PART VI.

CHAPTER XVI.

PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, registrations and permissions.

385. (1) Every licence or permission granted under this Act or any rule or bye-law made under it shall specify the period if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the commissioner.

(2) (*a*) Save as otherwise expressly provided in, or may be prescribed under, this Act for every such licence or permission, fees shall be paid in advance on such units and at such rates as may be fixed by the corporation:

Provided that the commissioner may at his discretion consider any application for the grant or renewal of any licence or permission though the fee payable therefor has not been paid in advance:

Provided further that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule V if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(*b*) The corporation may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum to be paid in lieu of the fees payable in respect of such mill or factory.

(*c*) Every order of the commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.

(3) Every order of the commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) Subject to the special provisions in Chapters X and XII regarding buildings, and private markets and subject

to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Act or any rule or bye-law made under it may at any time be suspended or revoked by the commissioner, if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without licence or permission until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from commissioner to standing committee.

386. (1) An appeal shall lie to the standing committee from—

(*a*) any notice issued or other action taken or proposed to be taken by the commissioner—

(i) under sections 140, 187, 195, 196, 197, 199, 252, 253, 264 (3), 265 (1), 266 (1), 271 (1), 272, 273, 280, 289, 290, 291, 298, 299 and 301;

(ii) under any bye-law concerning house-drainage or the connection of house-drains with municipal drains,

or house-connections with municipal water supply or lighting mains;

(*b*) any refusal by the commissioner to grant permission to construct or reconstruct a building under section 246 or 258;

(*c*) any refusal by the commissioner to grant a permission under sections 137, 190, 269, or 298; or

(*d*) any refusal by the commissioner to grant a licence under sections 288, 297, 308 or 315 (2); or

(*e*) any order of the commissioner made under section 385, sub-section (4), suspending or revoking a licence;

(*f*) any other order of the commissioner that may be made appealable by rules under section 365.

(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the commissioner or any order passed by him, he may, within one month of the date of such decision, refer the matter to the corporation, and pending the decision of the corporation on such reference, the commissioner shall not be bound to give effect to the decision of the standing committee.

The decision of the standing committee or where the matter has been referred to the corporation as aforesaid, the decision of the corporation shall be final.

Limitation of time for appeal.

387. In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 5 of the Mysore Limitation Act, 1911, be presented—

(*a*) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the corporation, and

(*b*) in other cases within thirty days after the date of receipt of the order or proceeding against which the appeal is made.

(Chapter XVI—Procedure and Miscellaneous)

Power to Summon.

Power of person conducting election and other inquiries.

388. All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Mysore Land Revenue Code, and the provisions of that Act, shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

Summons to attend and give evidence or produce documents.

389. The commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Act.

Procedure.

Form of notices and permissions.

390. All notices and permissions given, issued, or granted as the case may be, under the provisions of this Act must be in writing.

Proof of consent of municipal authorities or municipal officers.

391. Whenever under this Act or any rule, bye-law or regulation made under it, the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(*a*) the corporation, a standing committee, or the commissioner, or

(*b*) any municipal officer,

a written document signed in case (*a*), by the commissioner and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature on documents.

392. (1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by

this Act or by any rule, bye-law or regulation made under it to bear the signature of the commissioner or of any municipal officer shall be deemed to be properly signed if it bears facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract.

Publication of notification.

393. Save as otherwise provided, every notification under this Act shall be published in the official Gazette, in English and Kannada.

Publication of order, notice or other documents.

394. Every order, notice or other document directed to be published under this Act or any rule, bye-law or regulation made under it, shall, unless a different method is prescribed by this Act or by the corporation or the standing committee as the case may be, be translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be posted in a conspicuous position at such office and at such other places as the corporation or standing committee as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so posted and that the originals are open to inspection at the office of the corporation.

Publication in newspapers.

395. Whenever it is provided by this Act or by any rule, bye-law or regulation made under it that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

Notice of prohibition or setting apart of places.

396. Whenever the corporation, a standing committee or the commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall

specify the purpose for which such place has been set apart or the act prohibited in such place.

Service or Sending of Notices, etc.

Method of serving documents

397. (1) When any notice or other document is required by this Act, or by any rule, bye-law, regulation or order made under it to be served on or sent to any person the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the commissioner, by sending the same to him by post registered, or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of an express provision to the contrary in this Act, be calculated from the date of such service or sending by post, registered.

Relation of Occupier to Owner.

Recovery by occupier of sum leviable from owners.

398. If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

399. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act the commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

Execution of work by occupier in default of owner.

400. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land, may, with the approval of the commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's Powers of Entry and Inspection.

Power of entry to inspect, survey or execute the work.

401. The commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute:

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Act otherwise expressly provided no dwelling-house, and no part of a public building or hut, which is used as a dwelling-place, shall be so entered without the consent of the occupier thereof, unless the said occupier has

received at least twenty-four hours' previous notice of the intention to make such entry;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

402. (1) The commissioner or any person authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorised by this Act or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The commissioner or such authorised person shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The commissioner or such authorised person shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. The commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

Power to enforce Licensing Provisions.

Consequences of failure to obtain licences, etc., or of breach of the same.

403. (1) If, under this Act, or any rule, bye-law or regulation made under it, the licence or permission of the corporation, the standing committee or commissioner

or registration in the office of the corporation is necessary for the doing of any act and if such act is done without such licence or permission or registration or in a manner inconsistent with terms of any such licence or permission, then—

(*a*) the commissioner may by notice, require the person so doing such act to alter, remove or as far as practicable restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice;

(*b*) the commissioner or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(*c*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

(2) No claim shall lie against the commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.

Commissioner's Power to execute in Default.

Time for complying with order and power to enforce in default.

404. (1) Whenever by any notice, requisition or order under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the commissioner may cause such work to be executed, or may take any measures or do anything which may, in his

opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act, for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.

Recovery of expenses from persons liable and limitation or liability of occupier.

405. (1) The commissioner may recover any reasonable expenses incurred under section 404 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the property tax and may, in executing work or taking measures under section 404, utilise any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the commissioner may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead of to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

Power of commissioner to agree to receive payment of expenses in instalments.

406. Instead of recovering any such expenses as aforesaid in the manner provided under section 411, the commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in

instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

Power to declare expenses on certain work improvement expenses.

407. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

(*a*) in section 176, section 177, section 186, section 187, section 188, section 195, clause (*b*) of sub-section (1) of section 218, section 228, sub-sections (1) and (2) of section 271, section 275, section 280, section 319, or section 404; or

(*b*) in any rule made under this Act in which this section is made applicable to such expenses;

the commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

408. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding twenty years as the commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses.

409. At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

Relief to agents and trustees.

410. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is

required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purposes.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of Compensation, etc., by and to the Corporation.

Recovery of sums due as taxes.

411. All costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, bye-law or regulation made thereunder or any other law or under any contract including a contract in respect of water supply or drainage made in accordance with this Act, and the rules, bye-laws and regulations are due by any person to the corporation shall, if there is no special provision in this Act for their recovery be demanded by bill containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided by rules 30 and 36 of the rules contained in Part VII of Schedule III unless within fifteen days from the date of service of the bill such person shall have applied to the District Judge, Bangalore Division, under section 412.

Determination by District Court of sums payable.

412. Where in any case not provided for in section 420, any municipal authority or any person is required by or under this Act or any rule, bye-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums referred to in section 411, the amount or apportionment of the same, shall, in case of dispute, be ascertained and determined except as is otherwise provided in sections 179, 351, or 402 or in the Mysore Land Acquisition Act, 1894, by the District Judge, Bangalore Division,

on application made to him for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums first became payable.

Proceedings before District Court.

413. (1) On any application under the provisions of section 412 the said District Judge shall summon the other party to appear before him.

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the said District Judge may hear and determine the case.

(3) In every such case the said District Judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

Recovery of sums payable by distress.

414. If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums ascertained in the manner described in section 413 is not paid by the party liable within fifteen days after demand, such sum may be recovered under a warrant of the District Court, Bangalore Division, by distress and sale of the movable property of such party.

Limitation for recovery of dues.

415. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted or prosecution might first have been commenced as the case may be, in respect of such sum.

Procedure in dealing with surplus sale proceeds.

416. If any property, movable or immovable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the corporation and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within three years from the date of the service or sending of the notice regarding such surplus be paid to him by the commissioner, but if no such claim is preferred within such time, the said surplus shall be credited to the Municipal Fund and no suit shall lie for the recovery of any sum so credited.

(*Chapter XVI—Procedure and Miscellaneous*)

Provisions regarding Municipal Prosecutions.

Period of limitation for making complaints.

417. No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the police or the commissioner or by a person authorised in this behalf by the corporation or the standing committee or the commissioner:

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Cognizance of offences.

418. All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or without the city, shall be cognizable by a First Class Magistrate having jurisdiction in the city; and such First Class Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the Municipal Fund to the credit of which any fine imposed by him will be payable.

Imprisonment in default of payment and application of fines.

419. (*a*) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code as in force in Mysore.

(*b*) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under

the Code of Criminal Procedure, 1904, and the same shall on recovery be paid to the corporation.

Payment of compensation for damage to municipal property.

420. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, bye-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner not later than three months from the date of conviction; and, in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Legal Proceedings in General.

Recovery of tax, etc., by suit.

421. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, or other amount due under this Act.

Institution of suits against municipal authorities, officers and agents.

422. (1) No suit for damages or compensation shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution, or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, bye-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or

in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) Nothing in this section shall be deemed to apply to any other suit including a suit for injunction.

(4) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(5) Where the defendant in any suit is the commissioner, a municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advise.

423. The commissioner may—

(*a*) take, or withdraw from proceedings against any person who is charged with—

(i) any offence against this Act, the rules, bye-laws, or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corpoartion or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, the rules, bye-laws, or regulations which may by rules made by the Government be declared compoundable;

(*c*) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(*d*) defend, or compromise any appeal against an assessment or tax;

(*e*) take, withdraw from or compromise proceedings under sections 412 and 420 for the recovery of expenses or compensation claimed to be due to the corporation;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in

respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) with the approval of the corporation, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done, or omitted to be done by them, respectively in their official capacity ;

(*h*) with the approval of the standing committee compromise any claim, suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*i*) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the commissioner ;

(*j*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

Protecting Clauses.

Indemnity to Government, municipal authorities, officers and agents.

424. No suit shall be maintainable against the Government or any municipal authority, officer, or servant or any person acting under the direction of the Government or any municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Act, or any rule, bye-law, regulation or order made under it.

Liability of commissioner, councillors and aldermen for loss, waste or misapplication.

425. (1) The commissioner and every councillor or alderman shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his wilful neglect or misconduct

and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of mayor, deputy mayor, etc.

426. When the mayor or deputy mayor, or any councillor or alderman, or the commissioner is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

Assessments, etc., not to be impeached.

427. (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business or occupation of any person, or (*b*) in the description of any property or thing, or (*c*) in respect of the amount assessed, demanded or charged :

Provided that the provisions of this Act have in substance and effect, been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority :

Provided that the provisions of this Act have, in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, the rules and bye-laws have, in substance and effect, been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

Police.

Duties of police officers.

428. It shall be the duty of every police officer —

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulation made under it;

(*b*) to assist the commissioner or any municipal officer or servant, or any person to whom the commissioner has lawfully delegated powers resonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant or person under this Act or any such rule, bye-law or regulation ; and for all such purpose he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of police officers to arrest persons.

429. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

430. The Government may empower any municipal officer or servant or any class of, municipal officers or servants to exercise the powers of a police officer for the purposes of this Act.

Miscellaneous.

Application of term "public servant" to municipal officers, agents and sub-agents.

431. Every municipal councillor or alderman, officer or servant, every contractor or agent for the collection of any municipal tax, fee or other sum due to the corporation and every person employed by any such contractor or agent for the collection of such tax, fee or sum shall be deemed to

be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Prohibition against obstruction of corporation, standing committee, mayor, etc.

432. No person shall obstruct or molest the corporation, any standing committee, the mayor or deputy mayor, any councillor or alderman, the commissioner, or any person employed by the corporation or any person with whom the commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any rule, bye-law, regulation or order made under it.

Prohibition against removal of mark.

433. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any rule, bye-law, regulation or order made under it.

Prohibition against removal or obliteration of notice.

434. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the corporation, a standing committee or the commissioner.

Prohibition against unauthorised dealings with public place or materials.

435. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment, from, in, or on any land vested in the corporation or water-courses (not being private property), or in any way obstruct the same.

Transitional and Transitory Provisions.

Commencement of the Act.

436. (1) This Act shall come into force on such date as the Government may by notification in the Official Gazette appoint in this behalf.

(2) On the commencement of this Act, the Mysore City Municipalities Act, 1933, shall cease to apply to the city.

Savings.

437. (1) All rules and bye-laws made, all notifications published, all orders issued and all licences and permissions granted under the Mysore City Municipalities Act, 1933, or the Bangalore Municipal Law, 1897, and still in force, shall so far as they are consistent with this Act, be deemed to have been respectively made, published, issued and granted under this Act:

Provided that the Government may by order direct that after the commencement of this Act, only such rules, orders, bye-laws or notifications, aforesaid shall be applicable to the area to which this Act is applicable and only the said rules, orders, bye-laws or notifications shall thereupon continue in force.

(2) All property and all interests of whatever kind owned by, vested in or held in trust by or for the corporation with all rights of whatever kind used, enjoyed or possessed by the Bangalore City Municipality as constituted under the Mysore City Municipalities Act, 1933, or by the Municipal Commission, Civil Station of Bangalore, as constituted under the Bangalore Municipal Law, 1897, as well as all liabilities legally subsisting against the said Bangalore City Municipality and the said Municipal Commission, Civil Station of Bangalore, shall pass to the corporation as constituted under this Act.

(3) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the Bangalore City Municipality or the Municipal Commission, Civil Station of Bangalore, at the time this Act comes into force may be recovered as though they had accrued under this Act.

(4) All references made in any enactment or law in force in the area to which this Act is applicable to the Mysore City Municipalities Act, 1933, or the Bangalore Municipal Law, 1897, shall be read as if made to this Act or to the corresponding portion thereof.

Temporary provision as to the constitution of corporation.

438. Notwithstanding anything contained in this Act--

(*a*) until the constitution of a corporation in accordance with the provisions of this Act—

(i) the corporation shall consist of the councillors of the Bangalore City Municipality and the commissioners of the Municipal Commission, Civil Station of Bangalore, holding office immediately before the commencement of this Act;

(ii) the persons holding the offices of the President, Bangalore City Municipality, and the Vice-President, Municipal Commission, Civil Station of Bangalore, respectively, immediately before the commencement of this Act, shall be the mayor

and deputy mayor and shall have all the powers and be subject to all the duties and liabilities of the corporation, the mayor, the deputy mayor or the councillors, as the case my be, under this Act.

(*b*) the corporation as constituted under clause (*a*) shall, at its first meeting after the commencement of this Act,—

(i) elect one of its number to be the mayor and one of its number other than the mayor so elected to be the deputy mayor ; and

(ii) elect the members of the standing committees referred to in section 6;

(*c*) the term of office of the mayor, deputy mayor, councillors, and members of the standing committees referred to in clauses (*a*) and (*b*) shall, subject to the provisions of sub-section (2) of section 55, sections 57, 58, 59 and 70, extend to or expire on (as the case may be) such date as the Government may fix and the Government shall cause elections ot councillors to be held so that the newly elected councillors may come into office on the date fixed for the retirement of the old councillors.

Orders for bringing this Act into force.

439. The Government may by order make such provision as appears to them to be necessary or expedient--

(*a*) for bringing the provisions of this Act into effective operation ;

(*b*) for making omissions from, additions to, and adaptations and modifications of the rules, bye-laws, notifications and orders referred to in sub-section (1) of section 437, in their application to the city;

(*c*) for removing difficulties arising in connection with the transition to the provisions of this Act;

(*d*) for authorising the continued carrying on for the time being on behalf of the corporation of services and activities previously carried on on behalf of the Bangalore City Municipality and the Municipal Commission, Civil Station, Bangalore; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(*Schedule I—Enactments Repealed; Schedule II—Rules regarding Proceedings of the Corporation and Committees.*)

SCHEDULE I.

ENACTMENTS REPEALED.

(See *section 2*).

Year	*Number*	*Short title*	*Extent of repeal*
1897	...	The Bangalore Municipal Law, 1897, as continued by the Retroceded Area (Application of Laws) Act, 1948 (LVII of 1948) ...	The whole.
1947	XXXI	The Bangalore Municipal Law (Amendment) Act, 1947 ...	The whole.

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE CORPORATION AND COMMITTEES.

(See *section 33*).

The Corporation.

1. In these rules, 'member' means both a councillor and an alderman.

2. The corporation shall meet in the municipal office for the transaction of business at least once in every month upon such day and at such hour as it may arrange and also at other times as often as a meeting may be convened by the mayor.

3. (1) No meeting shall be held unless at least six clear days before the day of the meeting,—

(*a*) notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members, and

(*b*) notice of the day and hour of the meeting has been given by advertisement in the local newspapers.

(2) In cases of urgency, the mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases, notice of the day and hour of the meeting shall be published in such manner as the mayor may deem most expedient.

4. At an ordinary meeting held in each of the months of April, June, August, October, December and February, the mayor shall place before the corporation a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

5. (1) The mayor shall call a special meeting on receiving a request in writing signed by not less than twelve members specifying the resolution which it is proposed to move.

(*Schedule II—Rules regarding Proceedings of the Corporation and Committees*)

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each member and by advertisement in the local newspapers.

6. If the offices of mayor, and deputy mayor are vacant the duties assigned to the mayor by rules 2 to 5 shall be performed by the commissioner.

7. All meetings of the corporation shall be open to the public provided that the mayor, deputy mayor or presiding member may direct that the public generally or any particular person shall withdraw.

8. All questions which may come before the corporation at any meeting shall be decided by a majority of the members present and voting at the meeting and in every case of equality of votes, the mayor, deputy mayor or presiding member shall have and exercise a second or casting vote.

9. No business shall be transacted at any meeting unless there be present at least twenty members.

10. No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than thirty members.

11. (1) Minutes of the proceedings of the corporation shall be entered in a book to be called the minute book, and shall be signed by the mayor, deputy mayor or presiding member after each meeting.

(2) The minute book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

12. (1) The corporation may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the corporation.

(2) By a resolution supported by not less than thirty members the corporation may add to any committee so appointed persons who are not members, but who may possess special qualifications in regard to the matter to be inquired into :

Provided that the number of persons so appointed shall not exceed one half of the number of members appointed to serve on the committee. All the provisions of this Act relating to the duties, powers, liabilities, disqualification and disabilities of members shall, save as regards the disqualification on the ground of residenc e or of being a Government servant, be applicable, as far as may be,to such persons.

(3) The proceedings of every such committee shall be recorded in writing and submitted to the corporation.

15. The commissioner shall grant copies of the proceedings and records of the corporation and the standing committees on payment of such fees as the corporation may by general or special order determine.

(Schedule II—Rules regarding Proceedings of the Corporation and Committees.)

Copies shall be certified by the commissioner as provided in section 76 of the Indian Evidence Act, 1872; and copies so certified may be used to prove the records of the corporation in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

The Standing Committees.

14. Each standing committee shall meet at the municipal office at least once a month on such day and such hour as the committee shall from time to time determine.

15. The chairman of a standing committee may, at any time, call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of the committee and stating the business to be transacted.

16. No business shall be transacted at any meeting of a standing committee unless there is a quorum of three.

17. All questions which may come before a standing committee at any meeting shall be decided by the majority of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

18. (1) All minutes of the proceedings on each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.

(2) The minutes book shall be placed before the corporation at such times as it may appoint.

19. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (1) to section 20, the commissioner shall submit a report to the mayor who shall place the subject before a meeting of the corporation and pending the resolution of the corporation, the commissioner shall withhold all action in regard to the matter at issue.

20. Any member of a standing committee, other than the mayor, who fails to attend four consecutive meetings, shall cease to be a member of it, but may be re-elected by the corporation.

[1][21. Every resolution of a standing committee shall be made available to every member of the corporation within fifteen days from the date of the passing of such resolution and the corporation may, on a motion by any member of the corporation, modify or amend or revoke any such resolution.]

1. Added by Act XXVI of 1951.

(Schedule III—Taxation Rules)

SCHEDULE III.

TAXATION RULES.

(See *section 146*).

PART I.

Provisions common to taxes in general.

1. (1) The commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorised agent and such person or agent shall be entitled to take extracts free of charge from the said books and records.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorised agent on a day or days in each month to be fixed by the corporation.

2. The commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable:

Provided that in the case of taxes payable by the commissioner the original assessment shall be made by the mayor.

3. (1) The commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.

(2) Such receipt shall specify —

(*a*) the date of the grant thereof;
(*b*) the name of the person to whom it is granted;
(*c*) the tax in respect of which payment has been made and in the case of property tax, also the property in respect of which payment has been made;
(*d*) the period for which payment has been made; and
(*e*) the amount paid.

PART II.

Assessment of the Property Tax.

4. The commissioner shall enter in the assessment books the annual value of all lands and buildings and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item—

(i) the serial number, description and name (if any) of the item;

(*Schedule III—Taxation Rules*)

(ii) the name of the division and of the street, if any, in which it is situated and any survey or other number which it bears ;
(iii) the name of the owner ;
(iv) the name of the occupier ;
(v) the annual value or the extent as the case may be ; and
(vi) the amount of the tax payable.

5. The assessment books shall be completely revised by the commissioner once in every five years.

6. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

7. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the commissioner shall give public notice—

(*a*) specifying the time when and the place where the books may be inspected ; and

(*b*) stating that revision petitions will be considered if they reach the municipal office within thirty days from the date ofsuchs notice :

Provided that in every case where there is an enhancement in the assessment, the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned :

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days referred to in clause (*b*) shall be calculated from the date of service of such special notice.

8. The commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made:

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

9. In every case in which between one general revision and another the commissioner assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the commissioner shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within thirty days from the date of service of such notice.

10. Any person may, at any time, not being less than thirty days before the end of a half year, move the commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

(Schedule III—Taxation Rules)

11. No petition under rule 7, 9 or 10 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.

12. Immediately after the disposal of a revision petition, the commissioner shall inform the petitioner or his authorised agent, in writing of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

13. (1) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 7 is published or in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property.

(2) Any correction in the assessment books made by the commissioner under rule 12 or rule 27 shall be deemed to have effect on the first day of the half-year, to which the assessment which was sought to be revised or which was appealed against relates.

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

14. The first payment of tax shall, save as provided in rule 12, be made within thirty days of the day specified in rule 13.

PART III.

Assessment for Profession Tax.

(See *section 111.*)

15. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the Corporation from time to time :

Provided that such scale shall be subject to the maximum specified against each class :

	Half-yearly.
	Maximum.
	Rs.
Class I.	
All persons whose monthly income is Rs. 5,000 or upwards	200
Class II.	
All persons whose monthly income is Rs. 3,000 or upwards but less than Rs. 5,000 ...	150

(Schedule III—Taxation Rules)

	Half-yearly *Maximum* Rs.
Class III.	
All persons whose monthly income is Rs. 2,000 or upwards but less than Rs. 3,000 ...	100
Class IV.	
All persons whose monthly income is Rs. 1,000 or upwards but less than Rs. 2,000 ...	50
Class V.	
All persons whose monthly income is Rs. 750 or upwards but less than Rs. 1,000 ...	30
Class VI.	
All persons whose monthly income is Rs. 500 or upwards but less than Rs. 750 ...	20
Class VII.	
All persons whose monthly income is Rs. 200 or upwards but less than Rs. 500 ...	10
Class VIII.	
All persons whose monthly income is Rs. 100 or upwards but less than Rs. 200 ...	5

16. The commissioner may classify all persons liable under rule 15, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him (from the exercise of his profession, art, or calling or the transaction of his business) within the City falls below the lowest limit of income entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

PART IV.

Tax on Carriages and Animals.

(See *section 117*)

17. (1) The tax on carriages and animals shall be levied at rates not exceeding the following:—

Tax on carriages and animals	*Maximum half-yearly tax* Rs.
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals ...	10

(Schedule III—Taxation Rules)

Tax on carriages and animals	*Maximum half-yearly tax* Rs.
For every two-wheeled vehicle with springs or other appliances acting as spring constructed to be drawn by one or more animals ...	5
For every bicycle or tricycle	2
For every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands ...	6
For every horse or mule under 12 hands ...	2
For every bull, bullock, male buffalo, pig, goat, ass or dog	1

(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half year.

PART V.

Octroi on Animals and Goods.

[See *section 97, clause (e) and section 130.*]

18. The octroi on animals and goods shall be levied at rate not exceeding the following:—

Octroi	*Maximum rate* Rs. a. p.	
Class I.—Articles of food or drink for men or anims—		
Cocoanuts, fresh ...	0 0 1	each.
Cocoanuts, dry ...	0 8 0	per maund of 960 tolas.
Betel-leaves ...	0 0 2	per bundle of 100 leaves.
Sugar ...	1 0 0	per cent *ad valorem*.
Jaggery ...	0 2 0	per maund of 960 tolas weight.
Ghee ...	0 8 0	do
Butter ...	0 6 0	do
Oats ...	1 0 0	per cent *ad valorem*.
Bran ...	1 0 0	do
Chaff ...	1 0 0	do

(*Schedule III—Taxation Rules*)

Octroi	*Maximum rate* Rs. a. p.
Class II.—Animals used for slaughter—	
Sheep and Goats ...	0 2 0 per head.
Class III.—Oils and Oil seeds—	
Kerosene oil ...	0 2 0 per tin.
Other oils ...	0 2 0 per maund of 960 tolas weight.
Oil seeds ...	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings—	
1 Timber ...	Rates to be fixed by the Corporation from time to time.
2 Chunam or lime ...	0 4 0 per cartload.
3 Roofing tiles (Mangalore pattern) ...	1 9 0 per cent *ad valorem*.
Class V.—Tobacco ...	4 0 0 per maund of 960 tolas
Class VI —Piece-goods and other textile fabrics and manufactured articles of clothing and dress ...	0 0 3 per rupee *ad valorem*.
Class VII.—Metals ...	1 9 0 per cent *ad valorem*.
Class VIII.—Other articles which are not specified above and which may be approved by the Corporation by an order in this behalf.	2 0 0 per cent *ad valorem*.

PART VI

Revision of Assessment.

(See *section 146.*)

19. Any assessee who is dissatisfied with the assessment of any tax under this Act other than the property tax, may make an application in writing to the commissioner for the revision of such assessment stating the grounds of his objection thereto.

20. No application for revision under rule 19 shall be admitted—

(*a*) unless the application has reached the municipal office in the case of profession tax, within fifteen days from the date of service of the notice prescribed by section 113, and in the case of any other tax within seven days from the date of demand provided that the commissioner may, if he thinks fit, extend the period within which notice of objection should be delivered to a period not exceeding one month; and

(*b*) unless the tax based on the assessment prevailing in the year previous to the year in question was paid before making the application.

(*Schedule III—Taxation Rules*)

Explanation.—The preferring or pendency of an application for the revision of the assessment of any tax shall not—

(*a*) bar the collection thereof or

(*b*) operate as a stay of proceedings to enforce payment of the same.

21. (1) All such applications and all petitions under rules 7, 9 or 10 shall be entered in a register to be maintained for the purpose; and on receipt of any application or petition, notice shall be given to the applicant or petitioner of a time and place at which his application or petition will be considered.

(2) At the said time and place the commissioner shall hear the objection in the presence of the objector or his agent if he appears or may for reasonable cause adjourn the investigation.

(3) When the objection has been determined the order passed shall be recorded in the said register together with the date of such order and communicated to the objector or his agent by registered post.

22. When an objector is dissatisfied with the order passed by the commissioner under sub-rule (3) of rule 21, he may within fifteen days from the date on which such order was sent by post appeal against it to a committee called the Taxation Appeals Committee consisting of three members of the corporation elected by it, the chairman of which committee will also be elected.

The Taxation Appeals Committee shall have all the powers of a standing committee under sub-section (1) of section 27 and the provision of sub-section (2) of that section shall apply to requisitions made by the Taxation Appeals Committee as if it were a standing committee.

23. (*a*) An appeal shall lie to the District Court, Bangalore Division, against any decision of the Taxation Appeals Committee constituted under rule 22 but no such appeal shall be heard by the said court, unless the petition of appeal has been presented within thirty days from the date of the decision and the tax has been paid within the said period.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of this clause as to payment of the tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(*b*) The court may for sufficient cause excuse delay in the presentation of an appeal.

(*c*) The provisions of the Mysore Limitation Act, 1911, relating to appeals shall apply to every appeal preferred under this rule.

24. The court may direct who shall bear the costs of an appeal under the above rule.

25. The District Court may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do so whenever a question of law is involved, if either the Commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the District Court and deposits such sum as the District Court thinks necessary to defray the cost of the reference.

26. (*a*) The High Court may pass such order as it thinks fit on a reference under rule 25.

(*b*) Upon production of a copy of the order passed under clause (*a*) the District Court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeal and reference.

27. The assessment books maintained by the commissioner shall be corrected in accordance with the decision of the Taxation Appeals Committee or where there is an appeal to the District Court, in accordance with its judgment under rule 23 or sub-rule (*b*) of rule 26, as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court the commissioner shall grant a refund accordingly.

28. The assessment or demand of any tax when no application or appeal is made as hereinbefore provided and when such an application or appeal is made, the orders passed by the commissioner, the decision of the Taxation Appeals Committee or the adjudication by the District Court on the appeal, as the case may be, shall be final:

Provided that where any assessment of demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

PART VII.

Collection of Taxes.

(See *section 146.*)

29. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 113 or section 121 or a direction has to be given under rule 12, is due from any person the commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce the provisions of rule 30.

(2) A notice under section 113 or section 121 and a bill under sub-rule (1) shall be signed by the commissioner and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand and

(*b*) notice of the liability which may be incurred in default of payment.

(3) Where a notice, bill or direction referred to in sub-rule (1) has not been served or given either in the half-year in which the tax became due or in the succeeding half-year, the tax for the half-year first mentioned in this sub-rule shall not be demanded.

30. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction referred to in section 113 or section 121 or rule 12 or rule 29 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of

(*Schedule III—Taxation Rules*)

any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges, that will be incurred in connection with the detention of the sale and property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1911, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property cannot be effected, the commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty or other amount due to it under this Act.

31. Under special order in writing of the commissioner any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

32. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made but if the tax or fee is not paid, the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary;

(*b*) make an inventory of the property seized; and

(*c*) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

33. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal to the value of the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

34. (1) If the amount due by the defaulter on account of the tax, warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 32 and if the distraint warrant is not suspended by the commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the pro-

perty was at the time of seizure any property which may remain after the sale and the application of the proceeds thereof as aforesaid if application is made by such person within three years from the date of the sale. If no such application is made, the property so remaining shall be forfeited to the corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the commissioner may again proceed under rules 30 and 31 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of tax due, exceed the value of the property, the commissioner may sell it any time before the expiry of the said period of seven days unless the amount due is sooner paid.

(3) The commissioner shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the commissioner decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under rules 30 and 31 ; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

35. (*a*) Fees shall be levied on distraints under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table :—

Sum distrained for.	*Fees*		
	Rs.	a.	p.
Under one rupee	0	4	0
One rupee and over, but under five rupees	0	8	0
Five rupees and over, but under ten rupees	1	0	0
Ten rupees and over, but under fifteen rupees ...	1	8	0
Fifteen rupees and over, but under twenty rupees ...	2	0	0
Twenty rupees and over, but under twenty-five rupees ...	2	8	0
Twenty-five rupees and over, but under thirty rupees ...	3	0	0
Thirty rupees and over, but under thirty-five rupees ...	3	8	0
Thirty-five rupees and over, but under forty rupees ...	4	0	0
Forty rupees and over, but under forty-five rupees ...	4	8	0
Forty-five rupees and over, but under fifty rupees ...	5	0	0
Fifty rupees and over, but under sixty rupees ...	6	0	0
Sixty rupees and over, but under eighty rupees ...	7	8	0
Eighty rupees and over, but under one hundred rupees ...	9	0	0
One hundred rupees and over ...	10	0	0

(*b*) Such fees shall include all expenses except—

(i) the cost of maintaining any live-stock or the expenses incidental to the detention of the distrained property ; and

(*Schedule III—Taxation Rules*)

(ii) the charge payable on account of peons kept in charge of the distrained property, namely, three annas daily for each peon.

36. (*a*) The movable property of a defaulter may be distrained wherever it may be found within Mysore.

(*b*) If it is necessary to distrain property outside the limits of the city, the commissioner shall address his warrant to such public servant having local jurisdiction as the Government may by general or special order direct.

(*c*) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.

(*d*) Subject to the modification set out in the following clauses, the provisions of rules 31 to 35 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.

(*e*) For the purpose of action under rule 31, no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(*f*) For the purpose of action under rule 34 the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the commissioner subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(*g*) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

37. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30, the commissioner may if the said tax has not remained unpaid for more than twelve months require the occupier for the time being of such building or land to pay the amount within a specified period not being less than fifteen days and if the occupier fails to comply with such requisition the commissioner may distrain and sell any movable property found on the building or land and the provisions of the foregoing rules shall *mutatis mutandis* apply to all distraints and sales effected under this rule:

Provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule unless he has wilfully prevented distraint or a sufficient distraint.

38. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30 and if such person has left Mysore and cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrear of land revenue.

39. (1) Every person who is prosecuted under sub-rule (2) of rule 30 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him pay a fine

not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1) the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation, the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-rule (1), and may in his discretion also recover summarily and pay to the corporation such amount, if any, as he may fix as the costs of the prosecution.

40. Neither the commissioner nor any municipal officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.

PART VIII.

Miscellaneous.

(See *section 146.*)

41. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with—

(*a*) the water tax;

(*b*) the sanitary cess; and

(*c*) the lighting-tax.

42. In these rules, the expression 'tax' includes payments due by way of composition for a tax.

SCHEDULE IV.

Financial Rules.

(See *section 149.*)

PART I.

Authorised Expenditure.

1. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by laws or rules, and in general everything necessary for, or conducive to, the safety, health, convenience or education of the citizens of Bangalore or to the amenities of the city and everything incidental to the administration and the fund shall be applicable there to within the city subject to these rules and such further rules or special orders as the Government may prescribe or issue; and shall be applicable thereto outside the city if the expenditure is authorised by this Act or specially sanctioned by the Government.

(*Schedule IV—Financial Rules*)

2. The objects of expenditure connected with the public safety include the following :—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings ;

(*b*) Extinction of fires ;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices ;

(*d*) Regulation of traffic ;

(*e*) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following :—

(*a*) The construction and maintenance of hospitals and dispensaries and maternity homes and temporary places of reception within or without the city for the treatment of infectious diseases occurring in the city ; building hospitals and dispensaries and maternity homes and places of reception for the sick in general ; contributing towards hospitals, dispensaries, maternity homes or places of reception provided by the Government ; contracting for the use of a hospital or part of a hospital, dispensary, maternity home or place of reception ; combining with any other local authority or with the Government to provide a common hospital, dispansary or place of reception ; and sending indigent inhabitants of the city to institutions outside the city for treatment ; the training of health officers, medical practitioners, medical subordinates, sanitary inspectors and analysts : the training of midwives and nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons ; the provision of health visitors, midwives and dhais for attendance on maternity cases ; vaccination and the training and supervision of vaccinators and the provision of lymph ; the registration of births, deaths and marriages ; the enumeration of the inhabitants of the city ; and other measures of a like nature ;

(*b*) The construction, establishment, maintenance, supervision and control of public markets and slaughter houses ; of shops, stalls, and plinths ; of latrines ; of drains and drainage works ; of sewage farms and all works for the removal or disposal of sewage ; of tramways ; of water works, drinking fountains, tanks and wells ; of wash-houses or dhobikhans ; of parks, squares and gardens ; the reclamation of unhealthy localities ; and other sanitary measures of a like nature ;

(*c*) The cleansing and watering of streets and drains ; scavenging, the removal of excessive or noxious vegetation ; the abatement of all nuisances ;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities and of burial and burning grounds and crematoria ; improvement of burial and burning grounds and crematoria and the provision of sites for and the closing of burial and burning grounds ; the provision of new sites for offensive and dangerous trades and of special locations for factories ; the acquisition of congested areas and the provision of new sites whether within or

without municipal limits to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, redistribution of sites in such extensions; and all measures of a like nature.

4. The objects of expenditure connected with the public convenience amenities and education include—

(*a*) The construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings, and the encouragement of co-operative building societies by loans, grants of land or prizes, the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the manintenance of public monuments:

(*b*) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing-fields and promenades;

(*c*) Subject to all provisions of law, the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other agricultural, industrial or trading concerns of public utility, whether within or without the municipal limits and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concern;

(*d*) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals and the prevention of cruelty to animals;

(*e*) The provision and maintenance of zoological and horticultural gardens;

(*f*) The provision and maintenance of public libraries and reading rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;

(*g*) The provision and maintenance of public baths and bathing places;

(*h*) The provision of music for the people;

(*i*) The provision and maintenance of public clocks and clock-towers or of a time gun;

(*j*) The construction and maintenance of school houses;

(*k*) Technical and industrial education;

(*l*) The training of teachers;

(*m*) The provision of standard weights, scales and measures and of public weighing places;

(*n*) The holding of exhibitions or fairs;

(*o*) The provision and maintenance of rest-houses, choultries, alms houses, poor houses, homes or settlements for beggars, work-houses, infirmaries and children's homes, pounds and other works of public utility.

(*p*) The organisation and maintenance of health associations and the provision and organisation of health propaganda work in slums and other areas;

(Schedule IV—Financial Rules)

(*q*) The organisation and maintenance of maternity and child welfare centres and associations for the prevention of juvenile smoking and cruelty to children, and training of health visitors;

(*r*) The provision and maintenance of rescue homes.

5. The objects of expenditure incidental to the administration include

(*a*) The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions and the cost or hire of vehicles for the commissioner and the municipal officers and servants study leave allowances of professional officers and subordinates; sending municipal servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to municipal subordinates.

Explanation.—'Salary' for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time.

(*c*) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the corporation;

(*d*) Legal expenses;

(*e*) Election expenses;

(*f*) Auditor's fees;

(*g*) The provision and maintenance of municipal workshops;

(*h*) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(*i*) The preparation and maintenance of record of rights in immovable property;

(*j*) The acquisition of land for all or any of the purposes of the Act.

6. With the previous sanction of the Government the corporation may—

(*a*) upon any of the public streets in Bangalore, or upon any land in or without Bangalore which is vested in the corporation, construct or maintain any railway which may appear to the corporation to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act;

(*b*) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby;

(*c*) carry and convey passengers and goods upon any such railway;

(*d*) make such reasonable charges in respect of such passengers or goods as the corporation may from time to time determine;

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Bangalore;

(Schedule IV—Financial Rules)

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to, or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon;

(*g*) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Explanation.—The term 'railway' in this rule does not include 'tramways.'

7. The commissioner may, with the sanction of the corporation, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

8. The commissioner may, with the sanction of the corporation, defray the cost of the preparation and presentation of address to persons of distinction.

9. The commissioner may, with the sanction of the corporation and of the Government, contribute to any fund for the defence of the city, Mysore or India, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease or incur any other extraordinary charges.

PART II.

10. All moneys received by the corporation shall be lodged in such bank or treasury as the Government may by order direct and shall be credited to an account entitled the 'Municipal Fund Account':

Provided that any such moneys, may, with the sanction of the Government.—

(i) be invested in any of the securities which may be approved by the Government; or

(ii) be placed on a fixed deposit in any bank approved by the Government.

11. (1) All orders or cheques against the municipal fund shall be signed by the commissioner or in his absence by the revenue officer, and the bank or treasury in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

(2) If the corporation shall have given previous authority in writing, such bank or treasury may at once pay out of the municipal fund without such order or cheque any expense which the Government have incurred on behalf of the corporation.

12. The payment of any sum out of the municipal fund may be made or authorised by the commissioner if such sum is covered by a budget grant and sufficient balance of such budget grant is available.

13. The payment of any sum out of the municipal fund may be made or authorised by the commissioner in the absence of budget provision in the case of—

(*a*) refunds of taxes, and other moneys authorised by law, rule, bye-law or regulation;

(Schedule IV—Financial Rules)

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the commissioner in the exercise of his powers under section 11 of the Act;

(*d*) sums payable under section 46, sub-section (1), clause (*c*) and section 162, sub-section (2) of the Act;

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(*f*) any sum which the commissioner is required by law, rule, bye-law or regulation to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section 88 of the Act;

(*h*) expenses incurred by the commissioner under section 350, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

14. The commissioner shall not overdraw.

PART III.

Audit, Surcharges and Disallowance.

15. The auditors appointed under section 148 shall maintain and keep a continuous audit of the municipal accounts.

16. (1) The commissioner shall submit all accounts to the auditors as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditors for scrutiny not later than the first day of October in the year succeeding that to which such accounts and registers relate.

17. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

18. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts:

(Schedule IV—Financial Rules)

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit ;

(*c*) report to the standing committee any loss or waste of money or other property owned by or vested in the corporation caused by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste ; and

(*d*) submit to the standing committee a final statement of the audit and duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may notify.

19. (1) The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the corporation.

(2) The corporation shall submit its remarks on the audit report, if any, to the Government through the Comptroller within six months after the receipt of the report by the corporation.

20. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment ; and may charge against any person responsible therefor, the amount of any deficiency or loss incurred by the wilful negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 21 and 22 shall be calculated from the date of such refusal.

22. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either (*a*) apply to the District Court, Bangalore Division, to set aside such disallowance, surcharge or charge and the Court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances, or,

(*b*) in lieu of such application, appeal to the Government who shall pass such orders as they think fit.

23. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the Court or to the Government against the decision ; and such sum if not so paid, or such sum as the Court or the Government shall declare to be due, shall be recoverable on an application made by the commissioner to the Court in the same way as an amount decreed by the Court.

(Schedule IV—Financial Rules; Schedule V—Purposes for which premises may not under Section 297 be used without a licence)

24. The corporation shall pay to the auditors out of the municipal fund such remuneration as the Government may determine.

PART IV.

Form of Accounts.

25. The corporation shall make regulations, subject to the approval of the Government, to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the corporation shall be kept, and

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE V.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 297 BE USED WITHOUT A LICENCE.

(See *section 297*)

Aerated waters—Manufacturing.

Ammunition—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Articles made of flour—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Biscuits—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks—Manufacturing.

Camphor—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets—Manufacturing.

Catgut—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal—Dumping, sifting, selling or storing.

Chemical preparations—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(Schedule V—Purposes for which premises may not under Section 297 be used without a licence)

Chillies—Grinding by machinery.

Chlorate mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders—Storing, packing, pressing. cleansing, preparing or manufacturing by any process whatever, dumping or sifting

Cloths—Dyeing.

Coal—Dumping, sifting, selling or storing.

Cocoanut fibre—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material—Storing.

Combustibles—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, cotton refuse—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive—Storing.

Fat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood—Selling or storing.

Fireworks—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Fish oil—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Flax—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel—Using for any industrial purpose.

Fulminate of mercury—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold—Refining.

Gram—Husking by machinery.

Gun cotton—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying

Hay—Selling or storing.

Hemp—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(Schedule V—Purposes for which premises may not under Section 297 be used without a licence)

Hides—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice—Manufacturing.

Jute—Storing, packing, pressing, cleansing, pressing, preparing or manufacturing by any process whatever.

Lac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead—Melting.

Leather—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever

Lime—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery—Using for any industrial purpose.

Matches—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever

Meat—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Metals—Beating, breaking, hammering, casting, etc.

Nitro-compound—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

[1][Oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.]

Paddy—Boiling or husking by machinery.

[1][Paper—packing, pressing, cleansing, preparing or manufacturing by any process whatever.]

Petroleum products—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act., 1942, or the rules issued or the notifications published under that Act.

Pitch—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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1. Inserted by Notification No. L. 12811/C.M. 27-53- 129, dated 4-1-1954.

(*Schedule V—Purposes for which premises may not under Section 297 be used without a licence*)

Pottery—Manufacturing by any process whatever
Resin (including rosin)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Saltpetre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Seegekai—Powdering by machinery.
Shellac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Skins—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
Soap—Manufacturing by any process whatever.
Spirits—Manufacturing by any process whatever
Sulphur—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, or melting
Tallow—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.
Tar—Storing, packing pressing, cleansing, preparing or manufacturing by any process whatever.
Thatching materials—Selling or storing.
Tiles—Manufacturing.
Timber—Selling or storing.
Tobacco (including snuff, cigars, cigarettes and beedies)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Turpentine—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
Wool—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.
Yarn—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the commissioner.

Gilding or electro-plating.
Keeping a shaving or hair-dressing saloon.
Keeping together pigs, or twenty or more sheep or goats or ten or more heads of cattle.
Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the commissioner is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

(Schedule VI—Ordinary Penalties)

SCHEDULE VI.

ORDINARY PENALTIES.

[See *section 376 (1)*].

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
36	(1)	Interested councillor or alderman voting or taking part in discussion.	Two hundred rupees
106	(1) & (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees
107	(1)	Failure to send notice to commissioner after completion of construction or reconstruction of building.	Do
110	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees
115	...	Failure of owner or occupier to comply with requisition to furnish list of persons carrying on profession, art, etc.	Do
116	...	Failure of employer or head of an office, firm or company to comply with requisition to furnish list of persons in his employ.	Do
121	...	Failure of occupier to comply with requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Ten rupees
122	(2)	Failure of person liable to pay tax on carriages and animals to comply with requisition to furnish statements of vehicles and animals or furnishing incorrect statement.	Do
124	(1) & (2)	Failure to comply with order to affix and register number of carriage.	Do
125	(2)	Failure of owner to register cart ...	Do
	(3)	Failure to have or keep registration number affixed to cart.	Do
174	...	Trespassing on premises connected with water supply.	Fifty rupees
176	...	Failure to maintain house connections in conformity with bye-laws.	Do
177	(2) & (4)	Failure to comply with requisition to make house connection.	Do

(*Schedule VI—Ordinary Penalties*)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
177	(3)	Occupying or allowing occupation of house without proper water supply.	Fifty rupees
186	...	Failure to maintain house-drains, etc., in conformity with bye-laws.	Do
187	(2) & (3)	Failure to comply with requisition as to house drainage.	Do
,,	(4)	Occupying or allowing occupation of house without proper drainage.	Two hundred rupees
189	1 (b)	Failure to comply with direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees
190	(1)	Unlawful construction of building over public drain.	One hundred rupees
191	...	Failure to comply with requisition regarding culverts or to keep them free from obstruction.	Fifty rupees
192	...	Failure to comply with requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do
194	(2)	Keeping of public latrine without licence.	Do
,,	(3)	Allowing public latrine to be in unclean condition or improper order.	Do
195	...	Failure to comply with requisition to provide latrine or to remove latrine to another side and failure to keep latrines clean and in proper order.	Fifty rupees
196	...	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees
197	...	Failure to comply with requisition to provide latrines for market, cattle shed, or cart-stand, or to keep them clean and in proper order.	Do
198	...	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees
200	...	Making connection with mains without permission.	Two hundred rupees
205	(1)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Ten rupees

(Schedule VI—Ordinary Penalties)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
204	(2)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees
205	(*a*)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Do
210	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Twenty rupees
210	(2)	Irregular deposit of rubbish or filth ...	Ten rupees
210	(3)	Depositing carcasses of animals, rubbish or filth in improper places.	Twenty rupees
210	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees
210	(5)	Allowing filth to flow in streets ...	Twenty rupees
218	...	Building within street alignment or building line without permission.	One thousand rupees
219	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees
223	...	Unlawful displacement, etc., of pavement or fences, posts and other materials of public streets.	Fifty rupees
225	...	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees
226	...	Unlawful making or laying of new street.	Five hundred rupees
228	...	Failure to comply with requisition to metal, etc., private street	One hundred rupees
230	...	Building wall or erecting fence, etc., in a street or any public place vested in the control of the corporation.	Do
231	...	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees
232	...	Failur to remove permanent encroachment.	Two hundred rupees
233	...	Failure to remove temporary encroachment.	Fifty rupees
235	...	Unlawful removal of bar, or storing of timber, etc., or removal or extinction of light.	Do
236	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees

(*Schedule VI—Ordinary Penalties*)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
236	(3)	Failure to remove obstruction ...	Fifty rupees
237	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed	Do
237	...	Failure to fence, etc., such building while under repair.	Do
238	(3)	Unlawful destruction, etc., of name of street.	Twenty rupees
239	(2)	Unlawful destruction, etc., of number of building.	Do
239	(3)	Failure to replace number when required to do so.	Do
241	(5)	Constructing or reconstructing buildings contrary to declaration issued by corporation.	Two hundred rupees
242	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets	One hundred rupees
243	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Fifty rupees
262	...	Failure to keep external walls of premises in proper repair.	Twenty rupees
265	...	Failure to comply with requisition to take down, repair or secure dangerous structure.	Five hundred rupees
266	...	Failure to comply with requisition to secure, lop or cut down dangerous trees.	Fifty rupees
267	..	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do
268	...	Failure to comply with notice regarding precautions against fire.	One hundred rupees
269	(1)	Constructing well, etc., without permission.	Fifty rupees
269	(3)	Failure to comply with notice to fill up or demolish well, etc.	Do
270	...	Failure to comply with requisition to stop dangerous quarrying.	One hundred rupees

(Schedule VI—Ordinary Penalties)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
271	(1)	Failure to comply with requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees
271	(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees
272	...	Failure to comply with requisition to cleanse or close, etc., tanks, well or other source of water used for drinking, bathing or washing clothes.	Fifty rupees
274	...	Defiling water in tanks, etc. ...	Do
275	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Do
276	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Do
277	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.	One hundred rupees
278	...	Failure to comply with requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees
279	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Do
280	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
281	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day
281	(4)	Failure to comply with requisition to demolish the same.	Twenty rupees per day.
282	(1)	Allowing overcrowding in buildings after order to abate the same.	Do

(*Schedule VI—Ordinary Penalties*)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
282	(4)	Failure to comply with requisition to vacate overcrowded building or room.	Twenty rupees per day.
286	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees
287	(*a*)	Unlawful keeping of pigs ...	Twenty rupees
287	(*b*)	Unlawful keeping of animals so as to be a nuisance or dangerous.	Do
287	(*c*)	Feeding of animals on filth ...	Do
289	...	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees
291	...	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do
293	...	Using a public place or the sides of a public street as a cart-stand, etc.	Twenty rupees
295	(1)	Opening, or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees
296	...	Failure to remove carcasses of animals ...	Twenty rupees
297	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	Two hundred rupees
298	(1), (2) and (3)	Unlawful erection of factory, workshop, workplace or machinery	One thousand rupees
298	(5)	Disobedience of order regarding chimneys.	Five hundred rupees
299	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
299	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.	Two hundred rupees
300	...	Failure to comply with requisition to put factory, etc., in order, to abate overcrowding, etc.	Five hundred rupees
301	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
306	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees

(*Schedule VI—Ordinary Penalties*)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
308	...	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees
310	...	Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
313	...	Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	Fifty rupees
314	(2)	Opening private market without licence or contrary to licence.	Five hundred rupees
315	...	Keeping open private market without licence or contrary to licence.	Do
318	...	Sale or exposure for sale of animal or article in unlicensed private market	Fifty rupees
319	...	Failure to comply with direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Do
320	(2)	Opening, or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
321	...	Breach of market regulations ...	Fifty rupees
323	...	Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	Do
324	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence.	One hundred rupees
325	...	Sale or exposure for sale of animal or article in public streets.	Twenty rupees
329	...	Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc., under section 357.	Fifty rupees
331	...	Removing or in any way interfering with an animal or article secured under section 359.	Five hundred rupees
335	(1)	Opening, etc., without licence a new place for disposal of the dead.	One hundred rupees
337	(4)	Use or allowance of use of unlicensed burial or burning ground.	Five hundred rupees

(*Schedule VI—Ordinary Penalties*)

SCHEDULE VI—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
337	(4)	Use or allowance of use of unregistered burial or burning ground.	One hundred rupees
338	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees
339	...	Construction of vault or grave or burial of corpse in place of public workship.	Five hundred rupees
340	(3)	Burial or burning in place after prohibition.	Two hundred rupees
341	...	Burial or burning, etc., of corpses ...	Fifty rupees
343	...	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees
346	...	Failure of Medical Practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees
350	...	Failure to comply with requisition to cleanse or disinfect building or article.	Do
352	(2)	Washing of infected articles at unauthorised places.	Do
353	...	Giving, lending, etc., of infected articles...	Do
354	...	Infected person carrying on occupation ...	Do
355	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Do
356	(1)	Failure to disinfect public conveyance, etc.	Do
356	(2)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled.	Do
357	...	Letting or sub-letting of infected building without certificate from the Health Officer.	Two hundred rupees
358	...	Failure to close place of public entertainment.	Do
359	...	Sending infected child to school ...	Fifty rupees
360	...	Use or permitting the use of book from public or circulating library by infected person.	Do
361	...	Using water after prohibition ...	Do
363	...	Failure to give information of small-pox...	Do
364	...	Entering city within forty days of inoculation for small-pox without certificate.	One hundred rupees

(Schedule VI—Ordinary Penalties)

SCHEDULE VI—*concld.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
375	(3)	Prevention of inspection of copies of rules, and bye-laws publicly exhibited.	Fifty rupees
375	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees
385	(7)	Failure to produce licence on request ...	Ten rupees
389	...	Failure to comply with requisition to attend, produce document or give evidence.	One hundred rupees
399	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
401	...	Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc.	Fifty rupees
432	...	Obstructing or molesting corporation, standing committee, mayor, etc.	Two hundred rupees
433	...	Removing mark set up for indicating level, etc.	Do
434	...	Removal, etc., of notice exhibited by or under orders of the corporation or commissioner.	Fifty rupees
435	...	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on water courses.	Do
Schedule IV, Rule 17		Failure to comply with requisition by auditors to attend, give evidence or produce document.	One hundred rupees

(*Schedule VII—Penalties for continuing breaches*)

SCHEDULE VII.

PENALTIES FOR CONTINUING BREACHES.

[See *section 376* (2).]

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
176	...	Failure to maintain house connections in conformity with bye-laws.	Five rupees
177	(2) & (4)	Failure to comply with requisition to make house-connection.	Do
186	...	Failure to maintain house-drains, etc., in conformity with bye-laws.	Ten rupees
187	(2) & (3)	Failure to comply with requisition as to house-drainage.	Do
187	(4)	Occupying or allowing occupation of house without proper drainage.	Twenty rupees
192	...	Failure to comply with requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees
194	(2)	Keeping of public latrine without licence	Do
194	(3)	Allowing public latrine to be in an unclean condition or improper order.	Do
195	...	Failure to comply with requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Do
196	...	Failure to provide latrines for premises used by large number of people or to keep them clean and in proper order.	Twenty rupees
197	...	Failure to comply with requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Do
210	(1) & (4)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees
218	...	Building within street alignment or building line without permission.	One hundred rupees
232	...	Failure to remove permanent encroachment.	Ten rupees
233	...	Failure to remove temporary encroachment.	Five rupees
236	(1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees

(Schedule VII—Penalties for continuing breaches)

SCHEDULE VII—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
237	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Ten rupees
242	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	Fifty rupees
243	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials	Ten rupees
262	...	Failure to keep external walls of premises in proper repair.	Do
267	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do
268	...	Failure to comply with notice regarding precaution against fire.	Do
270	...	Failure to comply with requisition to stop dangerous quarrying.	Do
271	...	Failure to comply with requisition to fill up, etc., tank or well or drain off water, etc.	Do
272	...	Failure to comply with requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking, bathing or washing clothes.	Do
275	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Do
276	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Do
277	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.	Twenty rupees
278	...	Failure to comply with requisitions to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall.	Ten rupees
279	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Ten rupees

(*Schedule VII—Penalties for continuing breaches*)

SCHEDULE VII—*contd.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
280	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of huts
286	(1)	Keeping a lodging house, eating house, tea shop, etc., without or contrary to licence.	One hundred rupees
287	(*a*)	Unlawful keeping of pigs	Five rupees
	(*b*)	Unlawful keeping of animal so as to be a nuisance or danger.	Do
289	...	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees
291	...	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do
293	...	Using a public place or the sides of public street as a cart-stand, etc.	Two hundred rupees
295	...	Keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees
296	...	Failure to remove carcass of animal ...	Five rupees
297	(1)	Using a place for any of the the purposes specified in Schedule V without licence or contrary to licence.	Fifty rupees
298	(1), (2) & (3)	Unlawful erection of factory, workshop, workplace or machinery.	One hundred rupees
298	(5)	Disobedience of order regarding chimneys	Fifty rupees
299	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
300	...	Failure to comply with requisition to put factory, etc., in order to abate over-crowding, etc.	One hundred rupees
301	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	Do
308	...	Use of place as slaughter house without licence or contrary to licence.	Fifty rupees
314	(2)	Opening private market without licence or contrary to licence.	One hundred rupees
315	...	Keeping open private market without licence or contrary to licence.	Do

(Schedule VII—Penalties for continuing breaches)

SCHEDULE VII—*concld.*

Section or Rule	Sub-section or Clause	Subject	Fine which may be imposed
1		2	3
318	...	Sale or exposure for sale of animal or article in unlicenced private market.	Twenty rupees
321	...	Breach of market regulations ...	Ten rupees
323	...	Failure of person in charge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees
324	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees
		Exposing carcasses of animals for sale without licence.	Twenty rupees
335	(1)	Opening, etc., without licence a place for the disposal of the dead.	One hundred rupees
350	...	Failure to comply with requisition to cleanse or disinfect building or article.	Ten rupees
354	...	Infected person carrying on occupation ...	Fifty rupees
358	...	Failure to close place of public entertainment.	One hundred rupees
361	...	Using water after prohibition ...	Fifty rupees
Schedule IV, Rule 17		Failure to comply with requisition by auditors to attend, give evidence or produce document.	Seventy rupees